

REMOTE PARTICIPATION POLICY
Town of Georgetown, Ma.

Issue date:

Type of policy: New () Amendment ()

Effective date: September 10, 2012

Amendment date:

Level: Department () Division () Town Wide (x)

Policy Statement

This policy statement sets forth the requirements for remote participation at public meetings.

References

N o n e

Special Terms

N o n e

Policy Description

PURPOSE STATEMENT

The Office of the Attorney General amended the *Open Meeting Law* regulations at 940 CMR 29.00 to allow members of public bodies, in limited circumstances, to participate remotely in meetings. While all members of Town Boards and Committees should try to attend meetings in person, the new regulations seek to promote greater participation in government meetings by allowing members to participate remotely when certain specific circumstances prevent them from being physically present.

The intent of this policy is to establish clear guidelines on the practice of remote participation by Town Boards and Committees under the *Open Meeting Law, M.G.L. c.30A, §§18-25*.

ENABLING AUTHORITY- 940 CMR 29.10(8)

A municipality may adopt a policy that prohibits or further restricts the use of remote participation by public bodies within its jurisdiction.

ADOPTION OF REMOTE PARTICIPATION

In accordance with 940 CMR 29.10(2)(a), the Board of Selectmen, hereby adopt 940 CMR 29.10 so that remote participation is permitted in the Town.(adopted November 21, 2011 by the Board of Selectmen) In accordance with 940 CMR 29.10(3), the Board of Selectmen may revoke its adoption of 940 CMR 29.10 by simple majority vote at any time.

This policy and 940 CMR 29.10 shall apply to all Town boards, committees, commissions, sub-committees and working groups regardless of whether such public bodies are appointed or elected. Where the Remote Participation Policy is more stringent than 940 CMR 29.10, the Policy shall control. This policy may be emended by the Board of Selectmen at any time in accordance with 940 CMR 29.10.

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MINIMUM REQUIREMENTS FOR REMOTE PARTICIPATION

Members of the public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other.

A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c.30A, §20(d).

Members of the public body who participate remotely must have access to the same materials being used at the meeting location.

Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, §23D.

PERMISSIBLE REASONS FOR REMOTE PARTICIPATION

It is the express intent of the Board of Selectmen that remote participation in meetings be an infrequent event, for both individual board members and Town Boards and Committees as a whole. Chairs of public bodies are encouraged to interpret these rules in a strict fashion and to continue to induce all members to attend meetings in person as a general rule, due to the

inherent benefits of physical presence in a meeting.

A Board or Committee member may attend a meeting through electronic conferencing if his or her physical presence at the meeting is prevented due to extenuating circumstances such as: personal illness or disability; a family or other emergency; military service; significant geographic distance (due to personal employment or business with public body.)

The determination by the person chairing the meeting to allow or not to allow remote participation shall be final and shall not be appealable. Factors in making this determination may include, but shall not be limited to, the specific challenges faced by the board or committee member to attend all or part of the meeting; the relative importance of the items on the agenda to be discussed or decided upon; the ability of the board or committee to provide access to meeting materials.

ACCEPTABLE METHODS OF REMOTE PARTICIPATION

- (i) Telephone, internet, or satellite enabled audio or video conferencing.
- (ii) Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible and, if possible clearly visible to all persons present at the meeting location.
- (iii) The focus of the chair should always be on maintaining the flow of the meeting. If the chair determines that technical difficulties are inhibiting the progress of the meeting, the chair may elect to terminate the participation of the remote member. If technical difficulties arise as a result of utilizing remote participation the Chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with remote participant's ability to hear or be heard clearly by all persons at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred and subsequent reconnection if achieved shall be noted in the meeting minutes. If a public hearing occurs after disconnection, the member shall be noted as absent.

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Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive communications.

PROCEDURES FOR REMOTE PARTICIPATION

Any member of a public body who wishes to participate remotely shall, at least 48 hours or as soon as reasonably possible prior to the meeting, notify the chair or person chairing the meeting of his or her desire to do so and the reason for and facts supporting his or her request.

1. Prior to the meeting the Chair shall make every effort to ensure the equipment is available and functioning properly. If the required equipment is not available then the Chair shall deny the request for remote participation.
2. At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940CMR 29.10(5) for his or her remote participation. This information shall also be recorded in the meeting minutes.
3. All votes taken during any meeting in which a member participates remotely shall be by roll call vote.
4. Remote participants shall preserve the confidentiality of the executive session. The remote participant shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by simple majority vote of the public body, and that the session is not being remotely recorded by any device.
5. The Town shall not be responsible for the reimbursement of any out-of-pocket costs associated with the remote participation of Board or Committee members.
6. Members participating remotely are cautioned that the same obligations of consideration apply as in any physical meeting. Remote participants should direct all their attention to the meeting, and should make their decisions based upon the same information as is available to all other participants at the meeting.