


Town of Needham Select Board	
Policy Number:	SB-ADMIN-008
Policy:	Member Remote Participation in Public Meetings
Date Approved:	06/14/2022
Date Revised:	
Approved:	 Chair, Select Board

Section 1. Purpose

The Office of the Attorney General’s Open Meeting Law regulations at 940 CMR 29.10 allow members of public bodies, in limited circumstances, to participate remotely in meetings. While all members of Town boards and committees are strongly encouraged to attend meetings in person whenever possible, the regulations and this policy seek to promote greater participation in government meetings by allowing members to participate remotely when physical attendance would be unreasonably difficult.

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. Under the enabling authority of 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.

This policy applies to the remote participation of Town board and committee members only, not to how members of the public access open meetings. The Select Board encourages all boards and committees to provide a means for the general public to view and participate in public meetings remotely and have recordings made available to the public.

Section 2. Policy

2.1 The Select Board, on June 14, 2022, voted to adopt this policy and to authorize the Town Manager to approve remote participation for meetings of all local public bodies within the municipality. In accordance with 940 CMR 29.10(3), the Town’s adoption of remote participation can be revoked at any time.

2.2 In accordance with 940 CMR 29.10(2)(g) and M.G.L. c.30A, §20(e), a local commission on disability may by majority vote of the commissioners at a regular meeting authorize remote participation applicable to a specific meeting or generally to all of the commission's meetings. If

a local commission on disability is authorized to utilize remote participation, a physical quorum of that commission's members shall not be required to be present at the meeting location; provided, however, that the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location. The commission shall comply with all other requirements of law.

2.3 This policy and 940 CMR 29.10 shall apply to all Town boards, committees, commissions, subcommittees and working groups regardless of whether such public bodies are appointed or elected, with the exception of the Commission on Disabilities which may independently authorize remote participation in accordance with 940 CMR 29.10.

2.4 Where the Remote Participation Policy is more stringent than 940 CMR 29.10, the Policy shall control.

Section 3. Minimum Requirements for Remote Participation

3.1 Members of the public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other, as required by M.G.L. c.30A, §20(d).

3.2 A quorum of the body shall be physically present at the meeting location, as required by M.G.L. c.30A, §20(d).

3.3 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).

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

3.5 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.

Section 4. Permissible Reasons for Remote Participation

It is the express desire of the Select Board 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 their physical presence would be unreasonably difficult, due to extenuating circumstances, including but not limited to:

- Personal or family illness or disability;
- a family or other emergency;

- military service; or
- geographic distance.

No member of a board or committee will be allowed to join the board or committee meetings remotely more than 25% of the time, over a calendar year, except in extraordinary circumstances.

The chair or the person designated to chair the meeting may allow or decline to allow remote participation that is not consistent with the terms of this policy; any such determination shall be final and shall not be appealable.

Section 5. Acceptable Methods of Remote Participation

- 5.1 Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive communications.
- 5.2 Telephone, internet, or satellite enabled audio or video conferencing are all acceptable methods of participation.
- 5.3 Other technology that enables the remote participant and all persons present at the meeting location to be clearly audible is acceptable. When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.
- 5.4 The Town does not guarantee that sufficient technology for remote participation will be available for any given meeting.
- 5.5 Any costs incurred by a remote participant will not be reimbursed by the Town.

Section 6. Procedures

- 6.1 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 their desire to do so and the reason for and facts supporting their request.
- 6.2 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.
- 6.3 At the start of the meeting, the chair shall announce the name of any member who will be participating remotely, as approved by the chair. This information shall also be recorded in the meeting minutes.
- 6.4 All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

- 6.5 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.
- 6.6 If communication problems inhibit the progress of the meeting, the chair must decide whether to continue the meeting, suspend the meeting, or terminate the participation of the remote participant. In the event that more than one member remotely participates, the chair shall evaluate each connection separately and may elect to terminate the participation of one or more of the remote participants should technical difficulties inhibit the progress of the meeting. The meeting minutes must reflect any such decision.
- 6.7 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.
- 6.8 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.