

# OPEN MEETING LAW

## 940 CMR 29.10

### Remote Participation

- The Board of Selectmen may authorize the use of remote participation at all future meetings of all municipal boards. Remote participation may not be utilized unless and until it is authorized by the Board of Selectmen. 940 CMR 29.10(2).
- Minimum Requirements for remote participation: [940 CMR 29.10(4)]
  - Members of a 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; and
  - Members of public bodies who participate remotely may vote and shall not be deemed absent.
- Remote participation is allowed when physical attendance is made "unreasonably difficult" due to one or more of the following: [940 CMR 29.10(5)]
  - Personal illness;
  - Personal disability;
  - Emergency;
  - Military service; or
  - Geographic distance.
- The following methods of remote participation are allowed: [940 CMR 29.10(6)]
  - Telephone, internet, satellite enabled or video conferencing, or
  - Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

Each municipal board shall determine the method of remote participation permitted at its meetings.

- The following procedure must be followed when board members participate remotely:
  - Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.
  - At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. This information shall also be recorded in the meeting minutes.
  - All votes taken during any meeting in which a member participates remotely shall be by roll call vote.
  - A member participating remotely may participate in an executive session, but 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 a simple majority vote of the public body.
  - When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with the Open Meeting Law.

