



TOWN OF DENNIS

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REMOTE PARTICIPATION POLICY

ADOPTED BY THE BOARD OF SELECTMEN JUNE 30, 2015

1. 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 members of Town Boards should make every effort 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 under the Open Meeting Law, M.G.L. c.30A, §§18-25.

2. 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.

3. APPLICABILITY

The Board of Selectmen, on June 30, 2015, voted to authorize the adoption of 940 CMR 29.10 so that remote participation is permitted in the Town. 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 ("Town Board") regardless of whether such Town Boards are appointed or elected. Where the Remote Participation Policy is more stringent than 940 CMR 29.10, the Policy shall control.

4. MINIMUM REQUIREMENTS FOR REMOTE PARTICIPATION

No member of a Town Board shall participate in a meeting remotely unless the following requirements are met:

- (a) Members of the Town Board who participate remotely and all persons present at the meeting locations shall be clearly audible to each other and, if the meeting is televised, the member participating remotely shall be audible to the television viewing audience;
- (b) A quorum of the Town Board, including the chair or the person authorized to chair the meeting, shall be physically present at the meeting locations;
- (c) To the greatest extent practical, and to ensure informed discussion and decision making, members of the

Town Board who participate remotely should have access to the materials being used at the meeting location.

5. PERMISSIBLE REASONS FOR REMOTE PARTICIPATION

It is the expressed intent of the Board of Selectmen that remote participation in meetings be an infrequent event, for both individual board members and Town Boards as a whole. Chairs of Town Boards are encouraged to interpret these rules in a strict fashion and encourage all members to attend meetings in person as a general rule, due to the inherent benefits of physical presence in a meeting.

A member of a Town Board may be permitted to participate remotely in a meeting if the person chairing the meeting determines that one or more of the following factors makes the member's physical attendance unreasonably difficult yet still leaves that member able to actively participate in the meeting:

- (a) Personal illness;
- (b) Personal disability;
- (c) Emergency;
- (d) Military service; or
- (e) Significant geographic distance.

A member's qualification to participate remotely does not necessarily mean that the member will be permitted to participate remotely. 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 following:

- (a) The specific challenges faced by the member to attend all or part of the meeting
- (b) The relative importance of the agenda item(s)
- (c) The ability of the Town Board or its staff to provide access to meeting materials

6. TECHNOLOGY

(a) The following media are acceptable methods for remote participation. Accommodations shall be made for any Town Board member who requires TTY service, video relay service, or other form of adaptive telecommunications.

- (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 to one another.

(b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

(c) 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 resulting in the loss of connection with the remote participant, that participant's attendance shall be terminated. Either such event shall be noted in the meeting minutes.

(d) Each individual Town Board that anticipates using remote participation shall determine which of the acceptable methods may be used by its members.

7. PROCEDURES FOR REMOTE PARTICIPATION

- (a) Any member of a Town Board who wishes to participate remotely shall, as soon as reasonably possible, and at least one week prior to a meeting, notify the person chairing the meeting of his or her desire to do so and the reason for and facts supporting his or her request.
- (b) If the person chairing the meeting approves the request for remote participation, he or she shall make any necessary arrangements with appropriate Town personnel to ensure that the required equipment is available and, to the greatest extent practical, provide access to all meeting materials.
- (c) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason (see paragraph 5, above) for his or her remote participation. This information shall be recorded into the minutes.
- (d) Members participating remotely may vote and shall be counted as present for the meeting.
- (e) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.
- (f) Remote participants shall preserve the confidentiality of executive session. In this event, the remote participant shall state at the start of any executive session that no other person is present and/or able to hear the discussion at the meeting location unless the presence of that person is approved by a simple majority vote of the Town Board.
- (g) The Town shall not be responsible for the reimbursement of any out-of-pocket costs associated with the remote participation of Board members.
- (h) 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 the other participants in the meeting. The remote participant shall also state at the beginning of any meeting that no other person is in proximity who could exert undue influence on the participant, in either executive or public session, and shall inform the chair if that situation changes.
- (i) The chair of any committee for which a request is received to participate remotely shall provide to the Board of Selectmen, no later than December 31 of each year, a report that indicates the date(s) of any meetings for which remote participation was requested, the name(s) of individuals making the request, the determination of the chair for each request, and a summary of any logistical, technical and compliance issues related to remote participation.