



**TOWN OF UXBRIDGE  
OFFICE OF THE TOWN MANAGER  
21 South Main Street  
Uxbridge, MA 01569-1851  
508-278-8600 Fax 508-278-8605**

**Sean Hendricks  
Town Manager**

**DATE:** January 3, 2012  
**TO:** Committee Chairs  
**FROM:** Sean Hendricks  
**RE:** Remote Participation in Public Meetings

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At a regularly scheduled Board of Selectmen's meeting on Monday, December 12, 2011, the Board voted unanimously in the affirmative (4-0) to authorize the adoption of remote participation in public meetings as prescribed in 940 CMR 29.10 (Open Meetings/Remote Participation), with such authorization applying to all subsequent meetings of all public bodies in the Town of Uxbridge. To read the full regulations visit: <http://www.mass.gov/ago/government-resources/open-meeting-law/940-cmr-2900.html#Remote>

### **REMOTE PARTICIPATION GUIDELINES**

The Massachusetts Attorney General's Office recently published new regulations (940 CMR 29.10) authorizing remote participation in public meetings under the Open Meeting Law (M.G.L. c. 30A, §§18-25). The regulations allow board members not physically present at a meeting location to participate and vote via teleconferencing, subject to certain conditions. Below are some general guidelines on these new regulations:

#### **Local Authorization:**

Remote participation is not automatically permitted by the new regulations. In cities and towns, the "chief executive officer" (defined in M.G.L. c. 4, §7) must authorize remote participation by majority vote. In most towns, the chief executive officer is the board of selectmen. In districts, the authorization must be made by majority vote of the regional or district committee. Once authorized by the chief executive officer, remote participation is available to all boards in the city, town or district.

### **Technological Requirements:**

At a minimum, the remote participant and all persons present at the meeting location (including board members, staff, and the audience) must be **clearly audible to one another**. The regulations authorize the following technological means of remote participation: telephone, internet or satellite enabled audio or video conferencing, and any other technology that enables the remote participant and persons present to be clearly audible to one another.

Each individual board (rather than the chief executive officer) may determine the acceptable technological means of remote participation. A board's chair may decide how to address any technical difficulties that arise.

### **Procedure:**

In order to allow a board member to participate remotely at a public meeting, a board must adhere to the following procedure:

- 1. A member must contact the chair (or person chairing the meeting) prior to the meeting and request remote participation for one of five specific reasons:**
  - a. Personal illness;
  - b. Personal disability;
  - c. Emergency;
  - d. Military service; or
  - e. Geographical distance.

In order for a member to participate remotely, the chair must determine that the member's physical attendance is "unreasonably difficult" for **one or more of the five permissible reasons**.

*Note:* The regulations do not provide definitions for the five reasons and do not provide a standard for the chair to use in order to determine whether remote participation is justified.

- 2. If feasible, the chair must distribute to the remote participant any documents or exhibits expected to be used at the meeting.**
- 3. The board must convene the meeting with a physical quorum present and with the person chairing the meeting physically present.**

For example, a three member board must have two members present in order for the third to participate remotely; a seven member board must have at least four members present in order for any of the remaining three members to participate remotely. A remote participant may not chair the meeting.

**4. At the beginning of the meeting, the chair must announce the name of the member participating remotely and state the reason(s) justifying the remote participation.**

Refer to reasons (a) through (e) in item #1 above. The chair's announcement and stated justifications must be recorded in the minutes of the meeting.

**5. Any votes taken must be by roll call vote.**

**6. If the board enters executive session, the remote participant must state that no other person is present or able to hear the discussion at the remote location.**

The board may, by majority vote, authorize another person at the remote location to hear the discussion.

I have written the AG's office to ask how this affects Town Meeting, if at all.

Most importantly, please note the physical quorum requirement. This regulation does not allow any group to conduct a meeting it would not otherwise be able to conduct. Chairpersons must have notice, and at the outset of any meeting, chairs must announce any remote participant.

If you have any other questions, please call me. I will be happy to discuss this with you.