

29.02: Definitions

Remote Participation means participation by a member of a public body in a meeting of that public body, simultaneously with the physical meeting, where the member is not physically present at the meeting.

District Public Body means a public body with jurisdiction covering two or more municipalities.

29.10: Remote Participation

The Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible; however, remote participation shall be permitted subject to the following procedures and restrictions:

- (1) Adoption of Remote Participation Remote participation in meetings of public bodies is not permitted unless the practice has been adopted as follows:
 - a. Local Public Bodies. The City Council or Board of Selectmen, or the equivalent form of government vested with authority to act on behalf of a municipality, must, by a simple majority, vote to allow remote participation, in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of all public bodies in that municipality.
 - b. Regional or district public bodies. The regional or district public body must, by a simple majority, vote to allow remote participation, in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.
 - c. Regional school districts. The regional school district committee must, by a simple majority, vote to allow remote participation, in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.
 - d. County Public Bodies. The county commissioners must, by a simple majority, vote to allow remote participation, in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of all county public bodies.
 - e. For State Public Bodies. Prior to the use of remote participation by any state public body, the appointing authority for the majority of the members of the public body must approve (or if there is no such appointing authority, the state public body must, by a simple majority, vote to allow) remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.
- (2) Minimum Requirements for Remote Participation
 - a. Members of a public body who are participating remotely and all persons present at the meeting location must be clearly audible to each other;

- b. A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, if any, must be physically present at the meeting location, as required by M.G.L. c. 30A, § 20(d);
- c. Except as provided in 940 CMR 29.10(3)(v), members of public bodies who participate remotely in accordance with these regulations may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, § 23D.

(3) Permissible Reasons for Remote Participation

- a. If remote participation has been adopted in accordance with 940 CMR 29.10(1), members of public bodies shall be permitted to remotely participate in meetings, in accordance with the procedures described in 940 CMR 29.10(5), if the chair or, in the chair's absence, the person chairing the meeting determines that one or more of the following makes attendance in person unreasonably difficult:
 - i. Personal illness;
 - ii. Personal disability;
 - iii. Emergency;
 - iv. Military service; or
 - v. Geographic distance for members seeking to participate remotely in a meeting of a district, regional or state public body. Members of a local public body may participate remotely but will be deemed absent from the meeting and may not vote.

(4) Technology

- a. The following are approved methods of remote participation: telephone or internet enabled audio conferencing; or telephone, internet, or satellite enabled video conferencing; provided that regardless of the method(s) chosen, all participants are clearly audible to one another. Participation by electronic means other than these approved methods is not permitted. Accommodations must be made for public body members who require TTY service, video relay service, or other forms of adaptive telecommunications.
- b. If remote participation has been adopted in accordance with 940 CMR 29.10(1), individual public bodies shall have discretion to determine which of the approved methods members may use.
- c. Public bodies may decide how to address technical difficulties that arise as a result of utilizing remote participation, but are encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by physically present members and members of the public in attendance. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.
- d. The amount and source of payment for the costs of remote participation will be determined by the applicable adopting authority identified in 940 CMR 29.10(1).

(5) Procedures for Remote Participation

- a. Members of public bodies wishing to utilize remote participation must notify the chair or person chairing the meeting of their desire to do so and the reason for their request within a reasonable period of time prior to the meeting.
- b. Where multiple members of a public body have expressed a desire to utilize remote participation at the same meeting, and approving all requests would interfere with the body's ability to assemble a physical quorum as required by M.G.L. c. 30A, § 20(d), the chair or person chairing the meeting shall determine which request(s) to approve.
- c. If one or more members of a public body are participating in a meeting remotely, the chair shall state at the start of the meeting the name of any member who is participating remotely, which reason(s) under 940 CMR 29.10(3)(a) is being cited for each member's remote participation and, if the reason is geographic distance, the member's physical location. This information shall be recorded in the meeting minutes.
- d. If a public body legally enters executive session, any member participating remotely may participate in the executive session, but must state at the beginning of the session that no other individuals are present and/or able to hear the discussion at his or her location, unless the presence of such individuals has been approved by a vote of the public body.
- e. If one or more members of a public body is participating in a meeting remotely, all votes taken during the meeting must be by roll call vote.
- f. When feasible, the chair of the public body 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 M.G.L. c. 30A, § 22.