

**Minutes of the Open Meeting Law Advisory Commission**  
**Monday, August 2, 2022, 2:00PM**  
Minutes  
Virtual Access Via Zoom

**Members Present:** Robert Ambrogi (Chair), Massachusetts Newspaper Publishers Association Designee; Jeffrey Hull, Massachusetts Municipal Association Designee; Hanne Rush, Attorney General's designee

**Attorney General's Staff Present:** Anne Sterman, Deputy Bureau Chief of the Government Bureau; Carrie Benedon, Assistant Attorney General, Director, Division of Open Government; Kerry Kilcoyne, Assistant Attorney General; Elizabeth Carnes Flynn, Assistant Attorney General

**Others Present and Identified:** Jordan Latham, Research and Communications Director, Office of State Representative Antonio F.D. Cabral at Massachusetts House of Representatives

**Call to Order**

Mr. Robert Ambrogi called the meeting to order at 2:04 pm. All in attendance introduced themselves.

**Review and approval of draft minutes for April 4, 2022, Commission meeting**

Mr. Ambrogi stated that the first order of business would be to approve the minutes of the April 4, 2022, Commission meeting. Mr. Ambrogi said that the minutes had been circulated and asked if anyone had comments or corrections. Mr. Ambrogi mentioned that the draft meeting minutes referred to Senator Pacheco as Representative and asked the minutes to be revised to identify him properly by his title in office. Mr. Ambrogi asked if anyone else had any other comments or changes to the draft minutes. No other changes were identified. Ms. Hanne Rush moved to approve the minutes. Jeffrey Hull - seconded the motion. Robert Ambrogi – aye, Hanne Rush – aye, Jeff Hull – aye.

**Election of a Chair**

Mr. Ambrogi asked if anyone would like to nominate themselves or someone else for new Chair for the next year. Ms. Rush nominated Mr. Hull because she believes he would bring a lot of expertise to the position and help through the next year. Mr. Hull received the offer and states he was going to suggested that Mr. Ambrogi continue to serve as Chair but if there is an interest for him to serve, then he will serve. Mr. Ambrogi believes it would make sense to turn it over at this time. There being a nomination of Mr. Hull, Mr. Ambrogi seconded the nomination. The nomination was put to a roll call vote. Hanne Rush – aye, Robert Ambrogi – aye and Jeff Hull -aye. Unanimous decision that Mr. Hull would be the new Chair.

**Correspondence received – Adam Freudberg regarding Hybrid Meeting Policy Update**

Mr. Hull asks if Mr. Adam Freudberg is present to speak or if there is someone who would like to speak on his behalf. Mr. Ambrogi mentioned seeing the hybrid meeting policy draft that was presented to them at the last committee which the Framingham School Committee has adopted and commend them for adopting a very open policy that's amendable to ensuring public participation whether physically or remotely, and very favorable to the public. Mr. Hull agrees and asks if this is something that could be circulated to a broader audience, and maybe placed in the Attorney

General's Open Meeting Law section as an example for other communities. Could be used as a template for others to follow.

### **Open Meeting Law Legislative Updates**

Jordan Latham gave an update on the amendment that Representative Cabral's office presented. She confirmed that the amendment is dead, but is certain it is something that will be worked on in the next legislative session and will be tackling come January. They had numerous meetings with ACLU, Disability Law Center, the Attorney General's Office, and in the final stages, worked very closely with house counsel on the draft that Rep. Cabral filed but was not taken up by the Senate. Following the amendment being filed, they met with the MMA and another organization, unnamed, that is opposed to the language in the amendment and specifically opposed to mandating hybrid meetings. They suggested they need more time to implement this, and it would be an unfunded mandate. They seem to like the spirit of wanting hybrid meetings and accessibility but suggest that towns and communities are not equipped to do them at the time.

Ms. Rush asked for a quick summary about what the amendment was about. Ms. Latham clarified that the amendment would have meetings physically open and remotely accessible to the public. She then states that the definition changed so that the public could access the meeting remotely and for remote participation, which would also enable members of the public body to be able to participate remotely and count towards quorum in public meetings. There were sections on inserting those two definitions stating that meetings needed to be hybrid. It also would change the paradigm of posting public notices to be posted on town's website, as opposed to going to different town halls and posting in places accessible to the public. While the amendment was adopted on the house side, it was not adopted in the Senate. Mr. Hull asked if there were any indications from the Senate as to why it was not taken up. Ms. Latham said no, nothing that they heard. The Senate did not adopt the amendment but did extend the emergency rules to March 2023, however they did not hear any specifics as to why it was not accepted. It could be that it was just done at the last minute.

Mr. Ambrogi thanked Jordan and Representative Cabral for the work they did on the amendment, which included a lot of voices who were working on this issue, and in trying to make permanent and workable something that came out of COVID. He stated that although he was reluctant before COVID, he has come around and believes that the hybrid approach is the best approach to serve all citizens and ensure access by everybody. He believes the bill was very well shaped and ideally suited to address the issue for the long term and is disappointed it did not go through and hopes that the legislation will serve as a model.

Mr. Hull commented that based on the opportunity created by COVID, that the hybrid has become a part of the new norm and would imagine that come the March 2023 deadline, there would be an expectation amongst municipalities and other to continue this opportunity in some fashion and hopes that will create an opportunity for this to come up again.

### **Public Comment**

Mr. Hull asked if any members of the public would like to address the Commission about any issues. No comments.

### **Schedule next meeting**

Mr. Hull suggest that since the meetings are scheduled every 6 months that the next meeting be set for February. Mr. Ambrogi mentions that the new legislative session starts with the new year, and asks if the end of February or beginning of March would be better to see what is on the legislative agenda to discuss. Mr. Hull agrees that the first or second week of March would be better.

### **Adjourn**

Mr. Ambrogi moved to adjourn. Ms. Rush seconded the motion. All three Commission members vote by roll call. Robert Ambrogi – aye; Hanne Rush – aye; Jeff Hull – aye. **The meeting concluded at 2:26 pm.**