

MEMORANDUM

TO: All Retirement Boards

FROM: John W. Parsons, Esq., Executive Director

RE: Expiration of Open Meeting Law Waiver

DATE: July 12, 2022

Since the beginning of the coronavirus emergency, temporary changes to the Open Meeting Law have permitted public bodies, including retirement boards and PERAC, to conduct their meetings by virtual means. These changes to the Open Meeting Law are set to expire on July 15, 2022, unless the Legislature acts, and retirement boards need to plan accordingly.

Retirement boards are reminded of the following provisions of the Open Meeting Law which, as of this writing, will be in effect for meetings held on or after July 16, 2022:

Public bodies will need to resume having meetings take place in person at locations which are open and accessible to the public with at least a quorum of the public body physically present.

Even if your retirement board has adopted remote participation pursuant to 940 CMR 29.10, a quorum of the body, including the chair or, in the chair's absence, the person chairing the meeting, must be physically present at the meeting location. All votes taken during a meeting in which a member participates remotely must be taken by roll call vote.

Many retirement boards have adopted adequate, alternative means for public participation and access during this crisis. We encourage you to continue offering these avenues of public access, but it is not required by the statute or regulations. (Even if these alternative means continue, members of the public must be allowed physical access to the meetings of a public body.)

On July 5, 2022, the Senate adopted a bill, S 2985, to extend the current Open Meeting Law waiver until December 15, 2023. Then, on July 7, 2022, the House adopted a competing version of that bill, H 4989, which would extend the waiver until March 31, 2023, at which time all meetings would be required to be held in a hybrid fashion. The Senate version of the state budget, which is still being finalized, also contains a provision that would extend the current Open Meeting Law waiver until December 15, 2023. We do not know when or if any of these bills will become law. PERAC will immediately inform the retirement boards if the Open Meeting Law waiver provisions are extended or if the statute is amended. In the meanwhile, boards need to be prepared to act if the waiver expires, which appears likely at least in the short term.

If you have any questions about this, please contact PERAC General Counsel Judith Corrigan at (617) 591-8904 or at judith.a.corrigan@mass.gov.

