

Memo

To: Members of All Boards and Committees; and All Staff
From: David A. Berry, Chief Administrative Officer
Date: February 7, 2012
Re: Remote Participation at Meetings

The Attorney General's Office has recently issued regulations providing direction with regard to remote participation at meetings regulated by the Open Meeting Law (see [940 CMR 29.10](#)). The Board of Selectmen has voted as follows, in accordance with 940 CMR 29.10:

To allow remote participation in accordance with the requirements of 940 CMR 29.10, with the authorization applying to all meetings of all local public bodies in Shirley.

In addition, the Board voted to approve the type of technology to be used in remote participation, as follows:

To allow remote participation by means of telephone, the Internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons at the meeting location to be clearly audible to one another.

Note that the Board may also revoke its approval of remote participation in the same manner as it has approved it. **The Board intends to monitor remote participation at meetings, and so instructs each body that uses remote participation to inform the Chief Administrative Officer of each such remote participation, providing the details of the participation, and its assessment of such use.** Please contact the Chief Administrative Officer or Town Clerk if you have any questions about remote participation at meetings.

Each body using remote participation must be aware of the requirements of remote participation, as explained immediately below.

Members of a board may participate remotely only if physical attendance is "unreasonably difficult," as determined by the chair or the person acting as chair in the chair's absence. Attendance that is "unreasonably difficult" is limited to the following:

1. personal illness;
2. personal disability;
3. emergency;
4. military service; or,
5. geographic distance.

During a meeting at which a member is remotely participating, the member who is remotely participating and all others present at the meeting must be clearly audible to each other; **a quorum of the body must be physically present**; and the chair, or person acting as chair, must be physically present.

If the technology that is being used to allow the member to remotely participate fails during the meeting, the chair is encouraged to suspend the meeting while the failure is being fixed. If the failure cannot be fixed, the failure and the departure of the remotely participating member must be noted in the minutes.

The mandatory procedures for remote participation are as follows:

1. Any member who wishes to remotely participate must notify the chair as soon as reasonably possible, and include in the notification the reasons for, and facts supporting the request.
2. When feasible, the chair must distribute to the remote participant(s) in advance of the meeting all materials to be used in the meeting.
3. At the start of the meeting the chair must announce the names of the members who are remotely participating, and the reasons for their remote participation, which information must be recorded in the minutes of the meeting.
4. All votes taken while any member is remotely participating must be by roll call.
5. Board members may participate remotely in **executive sessions**, but must state at the outset that no other persons are present and/or able to hear the discussion at the remote location(s), unless presence of such person(s) is approved by a simple majority vote of the board.
6. Any cost for the remote participation shall be borne by the remote participant.

Again, please contact the Chief Administrative Officer or Town Clerk if you have any questions about remote participation at meetings.