

Municipal Alert
July 15, 2022

OPEN MEETING LAW TEMPORARY AUTHORIZATION FOR REMOTE PARTICIPATION EXTENDED BY LEGISLATURE – AWAITS GOVERNOR’S SIGNATURE

Last night, the House and Senate enacted S. 3007, which extends the authorization for remote participation for all public bodies until March 31, 2023. The legislature enacted the bill with Emergency Authorization, meaning it will go into effect as soon as the Governor signs it. This measure simply extends the prior authorization, which expired at 12:01AM on July 15, 2022, and allows public bodies the ability to choose to continue the now well-established remote meeting protocols, dating back to March 2020.

In response to public demand and interest from cities and towns, the General Court will take additional time to evaluate long-term action to amend the Open Meeting Law, including further evaluation of the measures the House enacted as H. 4991, sections J 17A-17J, introduced by Chair Cabral of the Joint Committee on State Administration and Regulatory Oversight, which among other things proposed mandating that public bodies afford remote access to all in-person meetings. These measures were not included in S. 3007.

By extending the date when the temporary authorization sunsets, this extended authorization keeps all of the same procedural requirements and safeguards in place from the original authorizations and extensions. For public bodies meeting remotely, the law authorizes the public body to allow remote participation by all members, in any meeting. And it allows a quorum of the body and the chair to participate via remote participation, without any requirement for physical presence. The law further requires that where a public body elects to hold a meeting by remote means, it must allow any party entitled to appear before the body, to also appear or participate through remote means.

This Client Alert was prepared by Attorney Karis North and reviewed by Attorneys Peter Mello and Joseph W. Proctor. If you have any questions about this issue, please contact Karis North, Peter Mello, or the attorney responsible for your account, or call (617) 479-5000.

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