

**TOWN OF BRAINTREE
TEMPORARY EMERGENCY POLICY
FOR REMOTE PARTICIPATION UNDER THE OPEN MEETING LAW
PURSUANT TO MASSACHUSETTS EXECUTIVE ORDER OF MARCH 12, 2020**

I. Introduction

The Town of Braintree is dedicated to maintaining all essential functions of municipal operations while protecting the health and safety of its residents. Many of our Board and Commission meetings constitute essential functions that we need to continue and must be held in accordance with the Open Meeting Law.

In recognition of the vital role that public bodies play, and with acknowledgment of the serious public health risk that is posed by the novel coronavirus (COVID-19) pandemic, the Governor of the Commonwealth has issued an Executive Order granting some relief from the requirements of the Open Meeting Law.

This Policy is adopted in accordance with Executive Order Suspending Certain Provisions of the Open Meeting Law, M.G.L. 30A §20, dated March 12, 2020. This Policy will remain in effect for as long as the Executive Order is in effect and supersedes any existing policy on remote participation during that time.

II. Scope of Applicability

This Policy applies to all public bodies of the Town of Braintree. This includes, without limitation, all boards, commissions, and the Town Council.

III. Policy Statement

In light of recent developments in connection with potential health risks associated with COVID-19, in and in furtherance of the purpose of the Open Meeting Law to promote transparency in government, remote participation of all members of any public body is permitted. Any member of a public body may participate remotely. During the pendency of this policy, there is no requirement that a chairperson and a quorum of the public body be physically present at a specified meeting location.

Each public body that holds a meeting during the time that this policy is effective must provide adequate, alternative means of public access to the deliberations of the public body, which means access through telephone, internet, or satellite enabled audio or video conferencing. Any technology that allows the public to clearly follow the proceedings of the public body in real time is an acceptable form of compliance with the Open Meeting Law.

Acceptable forms of an adequate, alternative means may include Facebook Live, Zoom, conference telephone calls, Skype, and any similar alternatives.

IV. Quasi-Judicial Public Bodies and Public Hearings

For those public bodies that conduct regulatory or quasi-judicial functions, including permitting, where members of the public and applicants are permitted to participate and express opinions in favor or in opposition to an application, the public body must choose some form of remote participation that permits members of the public and the applicant to fully engage in the proceedings. Applicants and members of the public must be able to participate and offer their opinions to the public body in real time.

Boards subject to this section IV include the Board of License Commissioners, the Conservation Commission, the Historical Commission, the Planning Board, and the Zoning Board of Appeals.

The Town Council is also subject to this section IV when, acting in its legislative capacity, it holds a public hearing that is required by the Town Charter.

V. Compliance with the Open Meeting Law

All other provisions of the Open Meeting Law remain in full force and effect.

To the extent possible, public bodies should continue to record, or begin recording, all proceedings in order to provide an audio recording to the public in the event that there is some error in the chosen alternative means of providing public access.