



July 11, 2022

Dear Representative,

As you near the end of the formal legislative session, we would like to take this opportunity to express our deep appreciation to you and House leadership for your extraordinary partnership with cities and towns during the past several years. This has been a time of great upheaval and uncertainty for public health and our economy, and your commitment and dedication to working with local government has been unrivaled nationally. With your support, local officials have been able to respond to the full range of public needs, and deliver high-quality services in the most difficult of circumstances, and we cannot thank you enough.

It is with this spirit of appreciation that we are writing to bring to your attention important logistical and practical considerations concerning legislation to extend the virtual public meeting option that has been in place since March 2020.

Last Thursday, the House passed its version of a bill to extend the option to hold public meetings virtually, a key flexibility that is set to expire on July 15th. The House bill ([H. 4991](#)) would extend the option to hold remote meetings to March 31, 2023. However, an amendment was adopted to mandate remote access and remote participation at all public meetings, including all local boards, committees, and commissions, beginning on April 1, 2023. No funding or local discretion was included in the measure.

We recognize and applaud the intent that guides the aspirational goals in H. 4991 and hope to work with you and your colleagues in the Legislature to promote best practices and increase resources to support the use of technology to advance public access to local and state government. Yet we respectfully ask that you extend virtual and hybrid options to municipalities, and not impose a premature and unworkable mandate.

Every city and town in the Commonwealth has dozens of councils, boards, and commissions, which hold numerous public meetings a year. Conservatively, H. 4991 would impact more than 10,000 local public entities. The costs of technology, equipment, staffing, and necessary space to run all these public meetings in a hybrid setting – many of which occur at the same time – makes this mandate unachievable for the vast majority of communities.

Back in May, a remote meeting extension was included in the final fiscal 2023 Senate budget as an outside section, and this language was advanced as a standalone bill last week as the July 15th expiration was rapidly approaching and the final budget remained in negotiations. On Tuesday of last week, the Senate passed its bill ([S. 2985](#)), which is a simple extension of the

remote meeting allowances that began more than two years ago as a response to challenges from COVID-19. The Senate bill would extend these authorizations through Dec. 15, 2023.

Last week, the House Ways & Means Committee released its own version of the bill, with additional language related to notaries and real estate transactions, extending the current remote meeting allowances through March 31, 2023. The floor amendment that was adopted thereafter would create a permanent mandate for remote access to all public meetings aside from those in executive session, with a provision requiring remote participation by the public if any public participation is allowed or required at the meeting. Beginning on April 1, 2023, all local boards, commissions and committees would be required to meet in person, with at least 1/3 of the members present, in a meeting place that allows public access. In addition, all meetings would require virtual access by the public, with the ability for the public to participate virtually if any part of the meeting contains comments by the public. All video sessions would be required to be live captioned using automated speech recognition or other technology. The bill also includes a new civil penalty of up to \$200 on individual board members, including volunteers, for 3 or more violations of these provisions or other aspects of the Open Meeting Law.

The MMA has continued to request an extension of remote options for municipalities to ensure continuity of operations as COVID-19 lingers and surges in the community, while allowing municipalities flexibility in determining the remote options that make sense given the timing and resources available. On numerous occasions, the MMA has testified and communicated our serious concerns about the cost and practicality of mandating hybrid meetings, as the technology and staffing requirements would be prohibitive and extremely burdensome for the overwhelming majority of cities and towns.

Under the current COVID Open Meeting rules, the meeting formats that most communities have been using are either all-virtual sessions or in-person meetings where technology is used for public access (remote viewing) in real time.

The hybrid meetings mandated in H. 4991, with both in-person and remote public participation, would require much more technology, staffing, and meeting space, because they are much more complex to produce and administer. The in-person locations must be equipped with large monitors, cameras, and microphones, and the system must interface with a technology platform that is sophisticated enough to allow the chair and staff to moderate the session and recognize all members of the public who wish to speak (under the Open Meeting Law any member of the public must be given equal opportunity to be recognized, not just those who indicate their desire to speak ahead of time). Further, it is extremely difficult to see how any site review meetings held by conservation commissions, planning boards, or zoning boards of appeals could comply with these requirements, as these boards frequently meet at the physical location in question as part of their due diligence. And, as many members are aware, many communities still lack robust broadband service, and most towns do not have full-time IT directors, or any IT department.

Because nearly all these committees consist of volunteer members, sessions are held in the evening in multiple locations, frequently overlapping. Thus, communities would need to find and retrofit multiple locations that also have ample space for the public to attend. Without full funding of the cost of the equipment and staffing, and a much longer implementation period, communities will not be able to implement this new mandate without extraordinary disruption.

Remote meeting access has brought a new level of participation and engagement with local government. Municipalities have been dedicated to continuing this access and MMA recognizes the intent and goal of expanded virtual access and participation by the public, yet the path to achieving that goal is steep and complex. An expansive and expensive mandate at this time is not realistic and would undermine the thoughtful work by municipalities to propel this essential work forward.

With your leadership, Massachusetts has been a national leader in navigating the pandemic, stabilizing our economy, and investing for the growth and renewal that will benefit all parts of the Commonwealth. City and town leaders look forward to working with you to build a stronger future for all communities, including using technology for ongoing operations and public engagement. Municipalities are asking for the time, resources, and flexibility they need to move forward together.

Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read 'Geoffrey C. Beckwith', written in a cursive style.

Geoffrey C. Beckwith
Executive Director & CEO