

From: Brian Riley <BRiley@k-plaw.com>

Date: April 21, 2023 at 4:32:53 PM EDT

Subject: RE: Review/Update of Remote Participation Policy

1. Particularly now, where fully remote meetings are allowed, I would day there is on need to refer to why a member is attending remotely. Moreover, under the current AG regulations, it states that the member should inform the chair they need to be remote and "the facts supporting his request" ["being unreasonably difficult" should be good enough], but it also states that the chair shall announce who is attending remotely and that shall be put in the minutes – it does not require a statement as to why. So you are correct, it is not necessary at the meeting to say why the member is remote.
2. I have no problem with your changes here – that was just my example, but totally up to the Board whether you want to encourage in-person meetings, particularly over the next two years.

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From: Roberts, Jennifer <RobertsJ@sudbury.ma.us>

Sent: Friday, April 21, 2023 11:04 AM

To: Brian Riley <BRiley@k-plaw.com>

Cc: Lee S. Smith <LSmith@k-plaw.com>; Russo, Charlie <RussoC@sudbury.ma.us>; Sheehan, Andy <SheehanA@sudbury.ma.us>

Subject: Re: Review/Update of Remote Participation Policy

Brian,

Thank you. This is very helpful. Just a couple initial follow-up questions/comments from me.

1) i. At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason for their remote participation. This information shall also be recorded in the meeting minutes.

Is any part of this section in yellow required? In particular, should we remove the calling out of the "reason" for the remote participation? I assume the minutes could just have a note that a certain member(s) was remote but not necessarily the reason. Again, at some point in the past, we were told that we can't require to list the specific reason. Correct me if I am wrong on that.

2) I like how you handled the current state and "typical" state. The Board may or may not choose to include "While the Select Board urges boards and committees to meet in person when practicable" as many committees in Sudbury are still choosing to meet remotely, included the Select Board. (Although I can't speak for the Board on this.) Legally, do you think that is important to include? If it were removed it could possibly read:

~~While the Select Board urges boards and committees to meet in person when practicable,~~ The Board also notes that the General Court's temporary revisions to the Open Meeting Law, including the recent extension to March 31, 2025 in Chapter 2 of the Acts of 2023, authorizes~~ing~~ a board to conduct a meeting remotely or in a "hybrid" format, provided that the public is provided adequate alternative means of access to the meeting.

Thank you again,

Jen

Jennifer Roberts

Sudbury Select Board Member

From: Brian Riley <BRiley@k-plaw.com>
Sent: Thursday, April 20, 2023 5:39 PM
To: Roberts, Jennifer
Cc: Smith, Lee S.; Russo, Charlie; Sheehan, Andy
Subject: RE: Review/Update of Remote Participation Policy

Hi, Jen – Lee asked me to review this. I went through it and made a few edits and comments, nothing major. Other than my comments, I find it to be in proper legal form.

Regarding the recently extended emergency OML provisions, allowing fully remote meetings through 3/31/25, I drafted a suggested sentence at the beginning that recognizes this policy is for "regular" remote participation and that fully remote (or hybrid) is still authorized for boards for two more years, but that the SB urges boards to meet in person when they can. At this point, I don't know that it is worth crafting a different policy regarding the emergency legislation – the legislation is the same as it has been and boards are pretty aware of the requirements by now. But I agree with your updates to this policy – in the event that, perhaps in 2025, that some of the emergency provisions become truly permanent, this policy can be revisited again.

Brian

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From: Roberts, Jennifer <RobertsJ@sudbury.ma.us>
Sent: Tuesday, April 11, 2023 6:27 PM
To: Lee S. Smith <LSmith@k-plaw.com>
Cc: Russo, Charlie <RussoC@sudbury.ma.us>; Sheehan, Andy <SheehanA@sudbury.ma.us>
Subject: Review/Update of Remote Participation Policy

Hi Lee,

I serve on the Select Board Policy subcommittee. The Select Board would like to make some updates to our Remote Participation Policy, and we request Town Counsel review. Attached is the current policy with some edits:

- Gender neutral
- Select Board instead of Board of Selectmen
- Allowing more than one member to be remote as long as the quorum is in person.
- Highlighted in yellow are two parts that I believe need to change - my understanding is it cannot be required for an individual to say the reason for being remote.

There may be other necessary updates. Also, this policy is written for when there is not special legislation allowing a quorum to meet remotely. So one question I have is, do you recommend updating this policy or crafting it to adhere to the special legislation which could end after two years? In the very least, I think we should get this current one updated.

Please advise and review the policy for the Select Board. Let me know if you have any questions!

Thank you,

Jen

Jennifer Roberts

Sudbury Select Board Member