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CITY OF HAVERHILL

In Municipal Council

~~ORDERED~~

MUNICIPAL ORDINANCE **CHAPTER 66**

AN ORDINANCE RELATING TO MEETINGS

BE IT ORDAINED by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 66, as amended, be and is hereby further amended by adding the following:

"ARTICLE III
Remote Participation

§66-3. Adoption of Remote Participation.

Remote participation for all meetings of all local public bodies in the City of Haverhill shall be subject to the authorization of the Mayor. The Mayor's authorization shall be in writing and filed with the City Clerk. All such remote participation shall be conducted in accordance with the requirements of the Attorney General's Regulations 940 CMR 29.00 and this ordinance. Should any provision of this ordinance conflict with the Attorney General's Regulations, said regulations shall take precedence over the provisions of this ordinance. The Mayor may revoke adoption of remote participation by filing a written notice of revocation with the City Clerk.

§66-4. Minimum Requirements for Remote Participation.

(a) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other;

(b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c. 30A, sec 20(d);

(c) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, sec. 23D;

(d) A member may not participate remotely more than six (6) times in a calendar year.

§66-5. Permissible Reasons for Remote Participation.

If remote participation has been adopted by the Mayor, a member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described below, if the chair or, in the chair's absence, the person chairing the meeting, determines that one or more of the following factors makes the member's physical attendance unreasonably difficult:

(a) Personal illness;

(b) Personal disability;

(c) Emergency;

(d) Military service; or

(e) Geographic distance.

§66-6. Technology.

(a) The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications.

(i) telephone, internet, or satellite enabled audio or video conferencing;

(ii) any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

(b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

(c) The public body shall determine which of the acceptable methods may be used by its members.

(d) The chair or, in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

(e) The amount and source of payment for any costs associated with remote participation, if any, shall be borne by the member(s) remotely participating.

§66-6. Procedures for Remote Participation.

(a) Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person

chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

(b) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under **§66-5** for his or her remote participation. This information shall also be recorded in the meeting minutes.

(c) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

(d) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

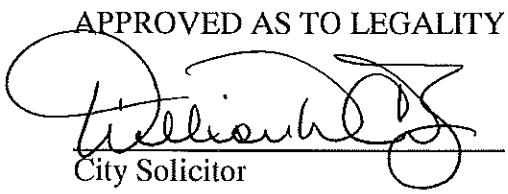
(e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, sec. 22.

(8) Further Restriction by Adopting Authority. These regulations do not prohibit any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) from enacting policies, laws, rules or regulations that prohibit or further restrict the use of remote participation by public bodies within that person or entity's jurisdiction, provided those policies, laws, rules or regulations do not violate state or federal law.

§66-6. Severability.

In case any section, paragraph or part of this ordinance is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

APPROVED AS TO LEGALITY



City Solicitor