

HOUSE No. 4450

The Commonwealth of Massachusetts

PRESENTED BY:

Tommy Vitolo and Cynthia Stone Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the town of Brookline to hold hybrid town meetings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>1/31/2022</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	<i>1/31/2022</i>

HOUSE No. 4450

By Representative Vitolo of Brookline and Senator Creem, a joint petition (accompanied by bill, House, No. 4450) of Tommy Vitolo and Cynthia Stone Creem (by vote of the town) that the town of Brookline be authorized to hold hybrid town meetings. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act authorizing the town of Brookline to hold hybrid town meetings.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding any general or special law, charter provision, ordinance or
2 by-law to the contrary, the Town of Brookline may hold town meetings at which participants
3 attend both in person and remotely (hereinafter sometimes called a “hybrid meeting”), subject to
4 the following:

5 a. The determination of whether a town meeting shall be a hybrid meeting shall be made
6 by the Select Board at the time that it approves the warrant for such meeting, and the warrant
7 shall contain such provisions as shall be deemed by the moderator and Town Counsel to be
8 necessary in order properly to notify participants in such meeting of the requirements set forth in
9 this section.

10 b. Except as otherwise set forth in this section, town meeting members and other
11 participants in a hybrid meeting may elect to attend such meeting either in person, at the location

12 designated in the warrant for such meeting, or remotely by means of a video conferencing
13 platform.

14 c. All town meeting members attending a hybrid meeting, whether in person or remotely,
15 shall be counted for purposes of determining the presence of a quorum at the meeting.

16 d. The moderator, the Town Clerk and all members of the Town's information
17 technology staff and other persons required to operate the voting and other technical systems
18 necessary for the proper function of a hybrid meeting in accordance with this section shall attend
19 each session of a hybrid meeting in person. All other participants in a hybrid meeting, including
20 town meeting members and other residents and non-residents of the Town, may attend each
21 session of a hybrid meeting either in person or remotely. In order to attend a session of a hybrid
22 meeting remotely, a participant shall be required to provide written or electronic notice of such
23 participation to the moderator and Town Clerk, which notice shall be required to be received no
24 later than 48 hours before such session. Such notices may cover such person's remote
25 attendance at one or more sessions of a hybrid meeting. Such notice requirement may in general
26 or in specific instances be waived for Town officials and other Town employees by the
27 moderator, by written notice to the Town Clerk and Office of the Select Board.

28 e. The video conferencing platform shall afford all remote participants in a hybrid
29 meeting the ability to identify and hear the moderator and each town meeting member who
30 attends the meeting, as well as any other persons who participate in the meeting. All remote
31 participants in a hybrid meeting shall have substantially the same access as in-person participants
32 to the content of handouts, presentations and other material distributed or displayed, prior to or
33 during the meeting, to in-person participants in the meeting.

34 f. All participants in a hybrid meeting, whether attending in person or remotely, shall
35 have a substantially equal opportunity to request recognition by the moderator, make a motion or
36 raise a point of order or question of privilege.

37

38 g. All town meeting members participating in a hybrid meeting, whether attending in
39 person or remotely, shall have the opportunity to vote on all matters put to a vote of town
40 meeting members; such votes shall to the extent feasible be taken substantially
41 contemporaneously; and such votes shall in the case of recorded votes be published as soon as
42 practicable subject to the abilities of the respective voting systems used for in-person and remote
43 votes. All votes at a hybrid meeting shall be taken by such means and in such a manner as shall
44 be determined by the moderator to record accurately and securely the votes of those entitled to
45 vote at the meeting.

46 h. Town meeting members who do not have access to the video or other conferencing
47 system used for remote participants in a hybrid meeting may participate in the meeting via
48 telephone conference call. The requirements of sub-sections (e) and (f) of this section shall to
49 the extent that they cannot be complied with through telephone conferencing not apply to such
50 town meeting members. No persons other than town meeting members shall be permitted to
51 participate in a hybrid meeting via telephone conference call.

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53 SECTION 2. All actions taken during a hybrid meeting held pursuant to section 1 are
54 hereby ratified, validated and confirmed to the same extent as if the hybrid meeting had been

55 conducted entirely in person, and such actions shall be deemed to comply in all respect with all
56 other applicable laws, charter provisions, ordinances and by-laws.

57 SECTION 3. This act shall take effect upon its passage.