

# City Council of the City of Newburyport

## Remote Participation Plan

### Document Information

*This Version:* 3/16/20-1.1

*Next Update:* 3/23/20 or on an on-demand basis as circumstances emerge.

The Committee is expected to convene Mondays at 2:30 PM to reassess and update the document.

Updates may include additions or alterations to this plan or a revocation of this plan (in whole or in part) and return to normal processes as conditions warrant.

This document was produced by the Ad-Hoc Committee on “Remote Participation” formed by Council President Jared J. Eigerman on March 13<sup>th</sup>, 2020. Members of the Committee are Councillors Sharif I. Zeid (chair), Bruce L. Vogel, Jared J. Eigerman, and ex-officio member City Clerk, Richard B. Jones.

### Background and purpose:

The world is currently facing a WHO-declared pandemic in the form of COVID19, which is a novel Coronavirus. Organizations both public and private are taking different approaches to dealing with this situation that will allow the organization will be able to continue to operate while allowing for precautions to be taken to minimize the spread of the virus.

The City of Newburyport, acting through its City Council, boards, commissions, and officers, is subject to the Open Meeting Law (“OML”), which governs how meetings are conducted with the primary purpose of ensuring that the public has open access to its local government for the purposes of observing and participating.

Open access and participation are crucial to a properly functioning democracy. While the current situation will strain the ability, the purpose of this document is to outline a plan that will balance the current situation with the importance of maintaining an open and transparent government.

Finally, the Governor of Massachusetts has recognized the challenges that face municipalities with respect to OML. As a result, the Governor issued an Order on the 12<sup>th</sup> of March suspending certain provisions of OML. This Order does not completely eliminate open meeting requirements by any stretch but does offer some options provided that accommodations are made.

The full text of the Governor’s Order can be found at the following link:

<https://www.mass.gov/doc/open-meeting-law-order-march-12-2020/download>

There are three paragraphs in particular that are most salient to this discussion that will be referenced by the provision number shown below this paragraph (provision number added into this document to provide clarity and reference). This Order as well as the underlying OML, other applicable state laws, regulations and executive orders, the Newburyport City Charter and Code, and City Council rules are the basis for this plan.

**Provision 1:**

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

**Provision 2:**

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

**Provision 3:**

(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

**Guiding Principal:**

Even in light of these current challenges, the City Council of the City of Newburyport affirms its commitment to open and transparent government and the inclusion of any members of the public who wish to observe and/or participate and that this plan shall be a reflection of that core value. Meeting by remote access, rather than in person, while legal, is disfavored by the City Council. It is the policy of the City Council to avoid considering and acting upon complex and/or controversial matters within its jurisdiction by remote access unless necessitated by a public emergency.

**Plan:**

On the following pages, there are plans for each of the three primary types of meetings that the City Council engages in. There is also a section for non-City Council meetings.

**Technology:**

Throughout the policies shown in this document, remote participation is a central aspect. Remote participation may be as simple as a member dialing in but there will be additional tech resources provided to provide a better experience.

The City Clerk shall provide instructions to arrange remote meetings, including platform, dial-in information, etc. The City Clerk shall also keep an audio recording of such meetings, where possible, and store them as a public record.

**Updates:**

This document is a living document and the Ad Hoc shall convene every Monday (or on-demand if an emergency requires) to discuss and update this document as the situation evolves. The first page of this document indicates this version and the next update.

**Questions:**

*Questions about this plan should be directed to the following:*

City of Newburyport

Richard B. Jones, City Clerk

60 Pleasant St.

Newburyport, MA 01950

Phone: 978-462-7936, Fax: 978-462-7936

**City Council Meetings**

**Description** These are typically held 2x per month where all 11 members of the Council come together to deliberate and vote.

How are these meetings handled currently	How these meetings will be handled during this situation	Compliance with Governor’s OML Order
Meetings are posted in due time	No Change	<i>Provision 1</i> <i>Provision 2</i> <i>Provision 3</i>
Meeting agendas include any/all City Council business in accordance with packet submission rules and removal from Committee rules	No change to City Council rules but all efforts shall collectively be made by all Councillors to minimize the amount of business by addressing only truly time-sensitive or necessary items.	
Meetings are held at City Hall in City Council Chambers.	All meetings to be held remotely.	
Meetings are open to the public.	Meetings will be closed to the public who may wish to attend in person.	
For regular meetings, members of the public are offered time during a specified period to offer 2 minutes of comments, each. This comment is to be dedicated to a matter on the Agenda.	Members of the public may provide comment in writing to the City Clerk on matters on the Agenda. The Clerk shall read the first 2 minutes of each statement provided.	
Councillors attend in person (generally) and sit in designated seats.	All meetings shall be held remotely for all participants.	
Customary minutes are maintained and published in the next City Council Packet.	No Change	
Votes are generally taken orally with roll calls for specific items (e.g. Ordinances/Appointments)	Procedural votes may be taken by voice vote so long as no single Councillor objects.  Other votes typically taken by Roll Call (e.g. Ordinances) shall continued to be taken by Roll Call.	

## City Council Committee Meetings

**Description** The City Council has a committee structure with several standing Committees as well as potential Ad-Hoc meetings. It is the intention of this document that, generally, Boards and Commissions will use these same rules.

How are these meetings handled currently	How these meetings will be handled during this situation	Compliance with Governor's OML Order
Meetings are posted in due time	No Change	<i>Provision 1</i> <i>Provision 2</i> <i>Provision 3</i>
Meeting agendas include all Committee business at the discretion of the Chair	Chair shall retain discretion but should make an effort to address only truly time-sensitive or necessary items.	
Meetings are held on an as-needed basis and as called by the Committee Chair	Committee meetings will be minimized unless there is pressing or emergency business. This is up to and including complete cancellation of all Committee meetings.	
Meetings are held in various rooms throughout the City such as in City Hall, The Senior Community Center, Library, Police Station, etc.	All meetings shall be held remotely for all participants.	
Meetings are open to the public.	Meetings continue to be open to the public through the remote meeting platform.	
Members of the public are offered time to speak at the discretion of the Chair.	No change with the exception being that participation shall be facilitated through technology platform.	
Meetings are held in a more informal setting and Councillors and the public simply find a seat to sit in.	All meetings shall be held remotely for all participants.	
Chairs either take minutes and/or notes which are then published or provided via oral report to the full Council, respectively.	Meetings shall be recorded where technologically possible, and sufficient storage space ____.	
Votes are generally taken orally	Votes may be taken by voice vote so long as no single Councillor objects.	

## Public Hearings by the Council

**Description** These are special types of meetings held when required by state law, such as for zoning. Hearings often times are expected to draw more people than a typical Committee meeting.

How are these meetings handled currently	How these meetings will be handled during this situation	Compliance with Governor's OML Order
Hearings are held on an as-needed basis and as called by the Committee Chair responsible.	All hearings are cancelled.	N/A

## **Board/Commission/Other Meetings**

**Description** These are meetings of the many boards and Commissions that are part of the City’s governance. Examples would include the Conservation Commission, Zoning Board of Appeals, Planning Board, Historic Commission, Tree Commission, etc.

<b>How are these meetings handled currently</b>	<b>How these meetings will be handled during this situation</b>	<b>Compliance with Governor’s OML Order</b>
Meetings are held on an as-needed basis and as called by the Committee Chair responsible.	The City Council recommends that such meetings be cancelled, with the sole exception of public hearings that must be held to avoid “deemed approval” of an application under state law.	N/A

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