



**Town of Arlington
Legal Department**

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To: Select Board

Cc: Adam Chapdelaine, Town Manager; John Leone, Town Moderator, Juli Brazile, Town Clerk

From: Douglas W. Heim, Town Counsel

Date: October 22, 2020

Re: Remotely Conducted Town Meeting

Members of the Board, you receipt of the Town Moderator's request and recommendation to hold the November 16, Special 2020 Town Meeting via remote participation on a Zoom/ZPato Research platform. While it has been clearly communicated to residents and officials in Arlington that the Special Town Meeting will be held online via remote participation, permit me to confirm the subsequent steps the Board must take should you wish to fulfill the Moderator's recommendation under c. 92 of the Acts of 2020.

Moderator's Recommendation

As an initial matter, the Moderator's request is required to confirm that he has, among other things:

- Identify the telephone or video conferencing platform being recommended for Town Meeting's use;
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- Confirm that he has consulted with the Disability Commission or ADA Coordinator; and
- Certify that the conferencing technology has been tested, and "enables the town meeting to be conducted in *substantially the same manner* as if the meeting occurred in person... in accordance with the operational and functional requirements of [c. 92 of the Acts of 2020]."

c. 92 of the Acts of 2020, sec. 8(a).

To be clear for the Board and the public, "substantially the same manner" does not mean that Town Meeting can or must be conducted in all of the same manner it is normally conducted in person. c. 92 of the Acts of 2020 outlines that the requirements of the law are similar to requirements for this Board's meetings via Zoom – that the Moderator, members, and town officials can identify each other and hear the Moderator and each participating Town Meeting Members; that a quorum may be determined; that participants can request recognition from the Moderator and be able to speak; that roll call votes can be conducted as necessary; and that the general public can witness the meeting and its deliberations and actions. Id.

Board Actions Required

If the Board agrees with the Moderator's recommendation to engage Town Meeting via remote participation, you must:

- 1) Vote to determine that the Special Town Meeting shall be held remotely via the conferencing platform recommended by the Moderator;
- 2) Approve and issue a notice that expressly states that the Town meeting shall be held remotely as requested by the Moderator; the date and time of the meeting; as well as any information necessary for the moderator, town meeting members, town officials and interested members of the public to access and witness the deliberations and actions taken at the town meeting remotely;

- 3) Comply with posting requirements for the notice ten (10) days before the Meeting¹;
- 4) Request the Town Clerk file a certified Copy of the Select Board's vote (along with the Moderator's letter) to conduct a remote Town Meeting with the Attorney General's Office within five (5) business days of said vote.

c. 92 of the Acts of 2020, sec. (b)-(e).

Town Meeting Vote to Proceed by Remote Participation

Finally, it should be noted that Town Meeting itself must take a vote at the outset of its remote meeting to commence business via the conferencing platform selected by the Moderator. The Meeting does not vote in the affirmative, then Town Meeting is essentially dissolved.

Motions for the Board

That the Town of Arlington Select Board moves as follows:

First, pursuant to c. 92 of the Acts of 2020, and having received a written request of the Town Moderator John D. Leone, Esq. dated October 22, 2020, that the November 16, 2020 Special Town Meeting be conducted remotely via the "Zoom" telephone and video conferencing platform combined with the "ZPato Research" technology as recommended by the Moderator; and

Second, that a Notice consistent with the foregoing for a remote Special Town Meeting on November 16, 2020 at 8:00 be issued in compliance with Chapter 92 of the Acts of 2020 and c. 39 sec. 10A.

¹ A draft notice is attached hereto, but should also include a copy of the Moderator's letter requesting permission for a remote Town Meeting and be posted on the Town's website, outside the Town Clerk's Office, and outside Town Hall by no later than November 6, 2020.

[SELECT BOARD LETTERHEAD]

NOTICE RE: NOVEMBER 16, 2020 SPECIAL TOWN MEETING

Upon the request of Town Moderator John D. Leone (attached), and pursuant to Chapter 92 of the Acts of 2020, the Select Board of the Town of Arlington voted on November 4, 2020 to conduct the November 16, 2020 Special Town Meeting remotely.

- Special Town Meeting shall begin at 8:00 p.m. on November 16, 2020 on the “Zoom” App;
- The Moderator, Town Meeting Members, Town officials, and Town Officials who have made prior arrangements to participate in the Meeting may take part in the meeting by following instructions provided in advance by the Moderator and/or Select Board Office.
- Registered voters who are not Town Meeting members and wish to participate, must contact the Town Clerk at least forty-eight (48) hours prior to commencement of the Meeting in order to have participatory access to the meeting.
- All other members of the public may observe the deliberations, actions and proceedings of the Meeting via ACMI at: <https://acmi.tv/> or on ACMI Government Broadcast Channels: 22 (Comcast); 15 (RCN); or 26 (Verizon).

ATTEST: _____
JULIANA BRAZILE
TOWN CLERK