



Massachusetts Municipal Lawyers Association

July 6, 2022

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To: Rep. Aaron M. Michlewitz, Chair, House Committee on Ways & Means; and
House Chair, Fiscal 2023 State Budget Conference Committee

Sen. Michael J. Rodrigues, Senate Chair, Fiscal 2023 State Budget Conference
Committee

Re: S.2985 - An Act relative to extending certain state of emergency accommodations
S.2915 - An Act making appropriations for the fiscal year 2023 for the maintenance of
the departments, boards, commissions, institutions, and certain activities of
the Commonwealth, for interest, sinking fund, and serial bond requirements,
and for certain permanent improvements

Dear Chair Michlewitz and Chair Rodrigues:

I am writing to you in my capacity as the Executive Director of the Massachusetts Municipal Lawyers Association (MMLA), the state's municipal bar association, to communicate our support of language contained in both of the above referenced Senate-engrossed bills, relative to the extension of certain relief previously granted in connection with the state's Open Meeting Law, and to offer additional consideration for more permanent changes.

In particular, MMLA is very much in support of Sections 4 and 5 of S.2985, recently engrossed by the Senate and before the House, as well as, Sections 125A and 133 of S.2915, the Senate engrossed Fiscal 2023 Budget Bill, all of which extend the local option to remotely participate at meetings of public bodies and Town Meetings, as well as a reduced Town Meeting quorum requirement, until December 15, 2023. These provisions are much appreciated, and an important step in making public access to local government more accessible. They also recognize the realities still faced by municipalities across the Commonwealth due to the COVID-19 pandemic.

The extensions provided in S.2985 and S.2915 are also consistent with two stand-alone bills currently pending before the Joint Committee on State Administration & Regulatory Oversight, specifically H.3213 and S.2104 which also would grant public bodies the option to meet remotely on a permanent basis. It is our understanding that the Committee granted an extension order to report out these bills. While these stand-alone bills are a step in the right direction in terms of making permanent the changes made in S.2985 and S.2915, there are some concerns with those bills as well, including: (1) whether a public body must vote to meet remotely or whether a Chair can make that determination, and; (2) the bills also depart from what the Open Meeting Law currently requires, by requiring documents "used for" meetings of public bodies to be made available to the public before or at the time of the meeting body, among other concerns.

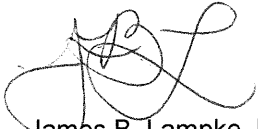
Therefore, and at the very least, we strongly encourage the Conference Committee and Committee members to support the Senate-backed budget language contained in Sections 125A and 133 of S.2915, and the extensions included in Sections 4 and 5 of S.2985.

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This would provide the Legislature the time necessary to consider a more permanent solution as offered in the other referenced bills to the extent not acted upon this session.

Please feel free to contact me to discuss the MMLA's comments set forth herein.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Lampke', with a large, stylized flourish extending from the end of the signature.

James B. Lampke, Esq.
Executive Director, MMLA

CC: Senate President Karen E. Spilka
Speaker of the House Ronald J. Mariano
Sen. Marc R. Pacheco, Chair, Joint Committee on State Administration & Regulatory Oversight
Rep. Antonio F.D. Cabral, Chair, Joint Committee on State Administration & Regulatory Oversight