

OFFERED BY COUNCILORS LYDIA EDWARDS AND LIZ BREADON



## CITY OF BOSTON IN CITY COUNCIL

### ORDINANCE EXPANDING ACCESS TO LOCAL DEMOCRACY IN THE CITY OF BOSTON

**WHEREAS,** Local democracy flourishes when every resident who so desires can participate in and follow the deliberations of open meetings; *and*

**WHEREAS,** The Covid-19 pandemic has created conditions requiring municipalities to enable remote participation in and access to open meetings; *and*

**WHEREAS,** Resident engagement in local democracy in Boston has meaningfully increased due to remote participation allowances during the pandemic; *and*

**WHEREAS,** Many residents cannot attend in-person meetings due to family, school, and work obligations; *and*

**WHEREAS,** Residents with disabilities can face particular and additional challenges accessing in-person meetings; *and*

**WHEREAS,** Barriers to democratic engagement are substantially lower when residents can participate in open meetings via remote means, making government more effective and accessible to all people and communities; **NOW, THEREFORE BE IT,**

*Be it ordained by the City of Boston, as follows:*

#### SECTION 1.

The City of Boston Code, Ordinances, Chapter 1 is hereby amended by adding after Section 1-7, the following Section 1-8

Section 1-8 REMOTE PARTICIPATION OF PUBLIC BODYS

Section 1-8.1 DEFINITIONS

- (a) “Adequate, alternative means of public access”, measures or means that provide transparency and permit timely and effective remote public access to the deliberations of a public body. Such means include but are not limited to providing public access through telephone, internet, or satellite-enabled audio or video conferencing or any other technology that enables the public to clearly follow and participate in the proceedings of the public body as they are occurring, and must be available without any subscription, toll, or similar charge. 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.
- (b) “Emergency”, a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.
- (c) “Open session”, all portions of public body meetings, except those Executive Sessions provided for in Section 21 of the Open Meeting Law, G.L. c. 30A.
- (d) “Public body”, a multiple-member board, commission, committee or subcommittee within the executive or legislative branch within the City of Boston, however created, elected, appointed or otherwise constituted, established to serve a public purpose.
- (e) “Timely Manner”, within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay.

#### Section 1-8.2 PROVISION OF A REMOTE PARTICIPATION OPTION FOR ALL PUBLIC BODY MEETINGS

- (a) Except as provided for in Section 21 of the Open Meeting Law, G.L. c. 30A, meetings of a public body in the City of Boston shall be open to the public in a public place that is open and physically accessible to the public, and provide adequate, alternative means of public access.
- (b) The technology employed for remote participation through adequate, alternative means of public access shall be accessible to persons with disabilities and shall be used in such a manner as to provide equal opportunity to such persons.
- (c) A request for translation services shall be made in a timely manner in coordination with the department of language and communication access and the public body.

#### Section 1-8.3 PUBLICATION OF MEETING AGENDAS AND MEETING MINUTES

- (a) Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 7 days prior to such meeting. In an emergency, a public body shall post notice 48 hours prior to such a meeting. Notice shall be posted on the City of Boston website in a legible, easily

understandable format and shall contain the date, time and place of such meeting, a listing of topics, and all relevant or related documents that the chair reasonably anticipates will be discussed at the meeting, and information relative to the provision of adequate, alternative means of public access.

- (b) The minutes of an open session, whether approved or in draft form, shall be posted in an online and accessible format on the City of Boston website within a timely manner.

#### Section 1-8.4 VIDEO AND AUDIO RECORDING OF MEETINGS AND PUBLICATION OF RECORDINGS OF MEETINGS

- (c) Public bodies shall make a video or audio recording of an open session of a meeting of a public body, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. At the beginning of the meeting the chair shall inform attendees of the recordings.
- (d) All video and audio recordings of open sessions described in (d)(i) shall be posted on the City of Boston website within a timely manner.

#### Section 1-8.5 ENFORCEMENT

- (e) Intentional Violations of this ordinance by a City employee may result in consequences that include, but not limited to, training, retraining, suspension, and/or up to termination, subject to due process requirements, provisions of collective bargaining agreements, human resource policies and internal rules and regulations.
- (f) Nothing in this section shall be construed to limit any individual's rights under state or federal law.

#### SECTION 2. Effective Date

This ordinance shall be effective 90 days after passage.

Filed On: March 17, 2021