



CLIENT ALERT

EMERGENCY ORDER ALLOWING REMOTE MEETING OF PUBLIC BODIES TO TERMINATE

On May 17, 2021, the Governor's Press Office issued a press release announcing that the Governor's Declaration of a State of Emergency (the "Declaration") will terminate as of June 15, 2021. The termination of the Declaration will bring to an end a number of orders and temporary rules implemented during the pandemic, including the Governor's March 12, 2020, emergency order modifying the Commonwealth's Open Meeting Law (the "Order"). Our client alert describing the effect of the Order is available at: [hyperlink to client alert] <https://kb-law.com/articles/documents/alert-2020-03-13-Governor-Baker-Signs-Emergency-Order-Allowing-Remote-Meetings-Of-Public-Bodies.pdf>.

By its own terms, the Order remains in effect until the Order is rescinded, or until the Governor's Declaration of a State of Emergency is terminated. Accordingly, public bodies will once again be required to conduct meetings in accordance with the Open Meeting Law and the regulations promulgated thereunder following the termination of the Declaration on June 15th unless the modifications made pursuant to the Order are extended. On May 25, Governor Baker filed legislation that, if adopted, would extend the Open Meeting Law modifications until September 1, 2021. The bill is now with the Legislature, and we will update clients in response to any further changes.

Pursuant to the Open Meeting Law, the chair and a quorum of a public body must be physically present at a specified location that is physically accessible to the public. Unless further action is taken, fully remote meetings of public bodies will no longer be permissible as of June 15th. Public bodies that have authorized the use of remote participation in accordance with the Open Meeting Law, however, may allow remote participation by less than a majority of their members provided that the chair and a quorum are physically present at a specified location.

If you have any questions about compliance with the Open Meeting Law, please contact Attorneys Elka Sachs, (esachs@kb-law.com), or Eric Reustle, (ereustle@kb-law.com).