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Gregory S. Enos  
**TOWN ADMINISTRATOR**

# Town of Avon Massachusetts



**RECEIVED**  
By Patricia Bessette, Town Clerk at 3:31 pm, Jun 11, 2020

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**FROM:** GREGORY ENOS, TOWN ADMINISTRATOR

**SUBJECT:** DECLARATION OF A STATE OF EMERGENCY: REDUCE TOWN MEETING QUORUM

**DATE:** JUNE 11, 2020

**CC:**

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Per the Governor's "Act Relative to Municipal Governance During the COVID-19 Emergency, Chapter 92 of the Acts of 2020" updated and signed into the law by the Governor on June 5, 2020, the Avon Board of Selectmen will be discussing Section 7 on June 18<sup>th</sup>, 2020. This will be posted online per the DLS Bulletin that is also attached.

SECTION 7. (a) Notwithstanding section 13 of chapter 39 of the General Laws or any other general or special law, charter provision or by-law to the contrary, a town may act by vote of its select board or board of selectmen, in consultation and with the approval of the town moderator, to prescribe the number of voters necessary to constitute a quorum at any town meeting held during the governor's March 10, 2020 declaration of a state of emergency at a number that is less than the number that would otherwise be required by law, town by-law or town charter; provided, however, that the number of voters necessary to constitute a quorum shall not be less than 10 per cent of the number that would otherwise be required.



## Bulletin

BUL-2020-08

### An Act Relative to Municipal Governance During the COVID-19 Emergency

TO: Local Officials  
FROM: Patricia Hunt, Chief, Bureau of Municipal Finance Law  
DATE: June 2020  
SUBJECT: Guidance on Municipal Finance Law Issues

This Bulletin provides guidance to local officials regarding changes in municipal finance laws included in [An Act Relative to Municipal Governance During the COVID-19 Emergency, Chapter 92 of the Acts of 2020 \(the Act\)](#). Unless otherwise noted below, these changes became effective on June 5, 2020, upon Governor Baker's signing the Act into law. Please review the Act in its entirety for other provisions related to cities and towns.

#### I. Town Meetings

##### A. Power of Boards of Selectmen to Reduce Town Meeting Quorum

**Section 7** - Section 7 of the Act allows a board of selectmen or select board (both referred to herein as "board"), with the approval of the town moderator, to reduce the quorum required for any town meeting (includes both open town meetings and representative town meetings) held during the governor's March 10, 2020 declaration of a state of emergency, to a number not less than 10 per cent of the number that would otherwise be required. There are several procedural requirements necessary to implement a quorum reduction. The board must publish<sup>1</sup> notice of its intention to consider an adjustment of town meeting quorum requirements not less than 7 days before the board's vote. The board must also provide for adequate means of public access that will allow interested members of the public to clearly follow the deliberations of the board on making a quorum adjustment as those deliberations are occurring. And, not less than 10 days after a vote of the board to adjust the quorum requirement, the town clerk must notify the attorney general of the adjusted quorum requirement.

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<sup>1</sup> Due to the time constraints in implementing this section before fiscal year end, we do not think the legislation intended to require notice by newspaper publication. In other cases where the legislature required publication in a newspaper, it so stated. See G.L. c. 60, s. 1, definition of "publication" for purposes of chapter 60, means "printing it once in a newspaper..." G.L. c. 35, s. 28B(c) – "... notice thereof to be published in a newspaper of general circulation..." G.L. c. 200A, s. 9A(c) and (d) – "published in a newspaper of general circulation." We suggest, at a minimum, posting notice (i) in a prominent location on the town's website, (ii) where the town meeting warrant is usually posted, and (iii) where board of selectmen meeting notices are posted.



Towns are reminded that under [G.L. c. 41, s. 15A](#), town clerks are required to certify appropriations to the assessors and the town accountant as soon as “a vote appropriating money becomes effective.” If a town meeting (either a reduced-quorum town meeting or any town meeting) is continued to a date after June 30, appropriations approved prior to the continuance of the meeting may not be in effect if they are subject to reconsideration at the continued town meeting. Towns are urged to consult with their town clerk, local counsel and town moderator, in advance, to determine if this could be an issue for your town. Some towns have local bylaws that limit reconsideration of approved articles that could apply to allow the town clerk to certify approved appropriation votes even if the town meeting is not dissolved but continued to another date.

Towns that may not have approved budgets on June 30 are reminded to review [Bulletin 20-6](#), regarding the procedures for obtaining deficit spending authority from the director of accounts for continued operations beginning July 1, 2020 as authorized by [St. 2020, c. 53, s. 5](#).

## **B. Conducting a Representative Town Meeting through Remote Participation**

**Section 8** - This section provides a process to allow representative town meetings to be conducted remotely during the governor’s March 10, 2020 declaration of a state of emergency. This section does not apply to open town meetings. Under this section, if the moderator determines that it is not possible to safely assemble the town meeting members and interested members of the public in a common location while complying with any applicable state or local orders, directives or guidance concerning public assemblies, the moderator may request that the select board or board of selectmen of the town call for a representative town meeting to be held through remote participation. Section 8 establishes detailed approval and notification procedures as well as minimum requirements for the video or telephone conference platform and how registered voters may participate in the remote town meeting. If your town is interested in holding a representative town meeting through remote participation, we urge you to consult with your moderator and your local counsel to ensure compliance with the requirements of section 8.

**Section 17** – This section provides that if the Act does not take effect at least 15 days prior to the date of a scheduled representative town meeting, the actions of a town moderator, select board or board of selectmen and town meeting that are substantially consistent with the requirements of section 8 shall be ratified as if the Act had been in place prior thereto.

## **C. Holding a Town Meeting Outside the Geographic Location of the Town**

**Section 9** – This section allows a select board or board of selectmen (both referred to herein as “board”) with the approval of the town moderator to hold town meeting outside the geographic limits of the town if the board determines that it is not possible to adequately conduct town meeting in a location within the geographic limits of the town in a manner that ensures health and safety. This section does not apply to a meeting for the election by ballot of federal, state or other officers or the determination of other matters to be determined by ballot at an election. The board must publicly post notice of the location of town meeting to be held outside the geographic limits of the town not less than 10 days before the date of the meeting.

## II. Stabilization Funds

### A. Suspension of Dedication of Revenues to Stabilization Funds

**Section 10(a)** – Section 10(a) provides a local option for a city or town to suspend for FY2021 the dedication of revenues to one or more stabilization funds created under [G.L. c. 40, s. 5B](#). This option also applies to the dedication of revenues to a special fund pursuant to a special act. This option does not apply to revenues or receipts credited to other funds, such as departmental revolving funds under [G.L. c. 44, s. 53E ½](#), enterprise funds under [G.L. c. 44, s. 53F ½](#), cable or PEG funds under [G.L. c. 44, s. 53F ½](#) or [G.L. c. 44, s. 53F ¾](#) or any other fund created under the general laws. The option is exercised in a town with a town meeting form of government by a 2/3 vote of its select board, board of selectmen or town council and, in a city, by a 2/3 vote of its city or town council with the approval of the mayor or manager. If a city/town chooses this option, the suspension is effective for FY2021. Upon the exercise of this option, the funds which would have been so dedicated are credited to the general fund of the city or town. The option may be exercised at any time before the FY2021 tax rate is set and, once exercised, will be effective as of July 1, 2020 through June 30, 2021.

### B. Appropriation from Stabilization Funds or Special Funds Established by Special Act

**Section 10(b)** – Section 10(b) provides a local option for a city, town or district, for FY2021, to appropriate funds from any stabilization fund created under [G.L. c. 40, s. 5B](#) or a special fund established by special law for any lawful purpose notwithstanding the specified purpose of the fund. Therefore, the existing fund balance of a special purpose stabilization fund can be appropriated for expenses other than for the purposes for which the fund was originally established.

The option is exercised in a town with a town meeting form of government by a 2/3 vote of its select board, board of selectmen or town council and, in a city, by a 2/3 vote of its city or town council with the approval of the mayor or manager. This section applies only to stabilization funds created under [G.L. c. 40, s. 5B](#) and special funds created by special act. This section does not apply to other funds, such as departmental revolving funds under [G.L. c. 44, s. 53E ½](#), enterprise funds under [G.L. c. 44, s. 53F ½](#), cable or PEG funds under [G.L. c. 44, s. 53F ½](#) or [G.L. c. 44, s. 53F ¾](#) or any other fund created under the general laws. An appropriation under section 10(b) from a stabilization fund established for educational purposes also requires approval of the city's or town's school committee.

Because section 10(b) does not provide for an alternate method of appropriation for a district, districts must appropriate under this section through a 2/3 district meeting vote under [G.L. c. 40, s. 5B](#); however, the district meeting may appropriate under section 10(b) from any stabilization fund for any lawful purpose notwithstanding the specified purpose of the fund.

While section 10(b) does not establish a substantially different process for cities or districts to change the purpose of or appropriate from stabilization funds; it does so in a town. Under this section, in a town, the legislative body (town meeting) is removed from the process. As a result, we suggest, when determining whether to exercise the option under section 10(b), that a select board consider the stated intent of the Act - "to protect ... both public health and the viability of town meetings in the face of the state, national and global public health emergencies existing as a result of the COVID-19 pandemic...." As a result, this option should be used to help fund the FY2021



town budget and other necessary FY2021 expenditures and not items that the town meeting would not itself fund.

Appropriations under section 10(b) may be made during FY2020 or FY2021; however, they must be for a fiscal year 2021 expenditure.

Appropriations and alterations of the purpose of a stabilization fund may still be made by a city, town or district in the manner described in [G.L. c. 40, s. 5B](#) – by a 2/3 vote of the legislative body of the city, town or district, subject to charter. As a result, if a town meeting is held, the town meeting may, by a 2/3 vote, alter the purpose of and appropriate from stabilization funds following the procedure of [G.L. c. 40, s. 5B](#). For more information regarding Stabilization Funds, [see IGR 17-20](#).

We note that while a suspension of the dedication of revenue to a stabilization fund under section 10(a) is only for FY2021 and not permanent, an appropriation from a stabilization fund under section 10(b) results in a permanent reduction of the funds in a stabilization fund unless the legislative body later votes to appropriate funds to replenish the stabilization fund.

### **III. Extension for Mayors to Submit FY21 Annual Budget to City Council under Statutory City Budget Process of G.L. c. 44, s. 32.**

**Sections 11 and 18** – Section 11 extends the time for a mayor in a city to submit the annual budget to the city council under [G.L. c. 44, s. 32](#), if the mayor is unable to do so as a result of the outbreak of COVID-19 and the effects of the governor’s March 10, 2020 declaration of a state of emergency. Ordinarily, section 32 requires a mayor to submit an annual budget to the city council within 170 days after the annual organization of the city government in any city other than Boston. Section 11 extends the time periods for submitting the budget and for the council to act on the budget; provided that the mayor must submit the FY21 annual city budget to the city council within 30 days after the termination of the declaration of emergency or on July 31, 2020, whichever is earlier.

An overview of the statutory city budget process under [G.L. c. 44, s. 32](#) is needed to understand how to implement section 11. In summary, under section 32, once a mayor has timely submitted the annual budget to the city council, the council has 45 days to act on the mayor’s budget by approving, reducing or rejecting the amounts recommended in the mayor’s budget. If a mayor does not timely submit the annual budget to the city council, the city council, on “its own initiative,” prepares the annual budget. The council then votes on the amounts contained in its budget within 15 days, by approving, reducing or rejecting the amounts. If the city has not approved an operating budget for the fiscal year due to “circumstances beyond its control,” the mayor may submit to the city council a continuing appropriation budget on a month by month basis for a period not to exceed three months; that is, for July, for August and for September. For more information on the statutory city budget process, please see DLS’s [City Budget Process Frequently Asked Questions \(FAQs\)](#).

For example, if the mayor timely submits the budget to the council on July 31 under section 11, the city council will have 45 days after July 31 to act on the mayor’s budget by approving, reducing or rejecting the amounts recommended in the budget. If the mayor does not submit the budget to the city council on or before July 31, 2020, the city council, on “its own initiative,” prepares the annual

budget. The council then votes on the amounts contained in its budget within 15 days, by approving, reducing or rejecting the amounts. To ensure that the city will have spending authority on July 1 if the budget is not yet approved, section 11 provides that a mayor may submit a continuing appropriation budget to the city council on a monthly basis for July and for August and for September. If it is anticipated that a budget will not be approved before July 1, the mayor should submit a continuing appropriation budget to the city council for the month of July.

Section 11 is effective on May 1, 2020.

#### **IV. Local Option Approval of Payments on Contracts for Educational Services**

##### **A. Description of Local Option - Sections 12 and 13**

Sections 12 and 13 provide a local option to allow cities and towns and regional school districts to approve payment, notwithstanding that services have not been rendered, on an existing service contract for school or education-related services entered into by the school committee or a service contract renegotiated or modified by the school committee in order to maintain the availability of and access to the services secured under the underlying contract between the parties when the underlying service contract was in effect before March 10, 2020 and the service contractor was unable to perform services under the contract as a result of the disruptions caused by the outbreak of COVID-19 and the effects of the governor's March 10, 2020 declaration of a state of emergency. This option applies to education-related contracted services such as transportation, custodial, food services as well as payments to education collaboratives, non-residential vocational enrollments, and inter-district tuition agreements.

This option is available to approve payment notwithstanding the provisions of [G.L. c. 41, s. 52](#) and [56](#) that require that services under a contract must be rendered before payment may be approved.

This option applies only:

- (i) if the underlying service contract was in effect before March 10, 2020;
- (ii) if the service contractor was unable to perform services under the contract as a result of the disruptions caused by the outbreak of COVID-19 and the effects of the governor's March 10, 2020 declaration of a state of emergency;
- (iii) to payments for the period from March 10, 2020 through the remainder of the fiscal year;  
and
- (iv) if there are sufficient unencumbered available funds remaining for such payment in the appropriation for the purpose.

This option does not apply to tuitions and rates set by the bureau of purchased services within the operational services division pursuant to [section 22N of chapter 7 of the General Laws](#).



## **B. Exercise of Option**

This option is exercised by approval of payment on a contract subject to sections 12 and 13 as follows:

(a) In a city, by: (i) vote of the school committee; (ii) city auditor, accountant or other officer having similar duties; and (iii) the mayor (unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.)

(b) In a town, by: (i) vote of the school committee; (ii) town accountant or other officer having similar duties; and (iii) vote of the board of selectmen (unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.)

(c) For a regional school district, by: (i) vote of the regional school committee and (ii) the business manager, assistant superintendent for business or other employee with title of similar import and responsibilities as those of a town accountant.

The above committees and boards may not delegate authority to one of its members to exercise the option under sections 12 and 13 or delegate approval authority to one of its members for payments under sections 12 and 13.

## **C. Payment Requirements**

Before any payment, the service contractor must present to the above approving authorities, a sworn statement reporting grants, discounted loans or other financial support that the service contractor has received from a state, federal or local government as a result of the outbreak of COVID-19 or, if the service contractor has not received any such grants, discounted loans or other financial support, affirming that the service contractor has not received, and shall not receive thereafter, any such grants, discounted loans or other financial support. If the service contractor reports it has received grants, discounted loans or other financial support from a state, federal or local government, the payments to the service contractor made pursuant to sections 12 and 13 must not exceed the total amount to which the service contractor is eligible under the service contract less the amount the service contractor received in such grants, discounted loans or other financial support and the sworn statement shall include an attestation that the payment is not in excess of that amount.

## Acts (2020)

### Chapter 92

#### AN ACT RELATIVE TO MUNICIPAL GOVERNANCE DURING THE COVID-19 EMERGENCY.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to protect forthwith both public health and the viability of town meetings in the face of the state, national and global public health emergencies existing as a result of the COVID-19 pandemic, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Subsection (a) of section 1 of chapter 45 of the acts of 2020 is hereby amended by striking out the words "May 30, 2020" and inserting in place thereof the following words:- June 30, 2020.



SECTION 2. Said subsection (a) of said section 1 of said chapter 45 is hereby further amended by striking out the words “June 30, 2020” and inserting in place thereof the following words:- August 1, 2020.

SECTION 3. Said chapter 45 is hereby further amended by inserting after said section 1 the following section:-

SECTION 1A. The select board, board of selectmen, town council or board of registrars may vote to eliminate a municipal caucus, scheduled to occur between March 23, 2020 and July 31, 2020, if such board concludes that holding the municipal caucus would constitute a threat to the public health and safety due to the 2019 novel coronavirus, also known as COVID-19. In any town that eliminates the municipal caucus, nomination papers shall be used to nominate candidates pursuant to sections 7 and 10 of chapter 53 of the General Laws; provided, however, that such nomination papers shall be signed by not fewer than 10 registered voters of the town; provided, however, that to the extent that the forty-ninth day prior to the date of the election has passed, nomination papers shall be made available immediately, and shall be returned to the office of the board of registrars for certification no later than the date designated by the town clerk, which shall be no earlier than 36 days and no later than 32 days prior to the date of the election; provided further, that candidates shall be notified if their names will be

placed on the ballot on the next business day after the deadline for filing, and the time for filing withdrawals and objections shall expire at 5:00 p.m. on the following business day.

SECTION 4. The second paragraph of section 4 of said chapter 45 is hereby amended by striking out the words “June 30, 2020” and inserting in place thereof the following words:- August 1, 2020.

SECTION 5. Subsection (a) of section 5 of said chapter 45 is hereby amended by striking out the words “June 30, 2020” and inserting in place thereof the following words:- August 1, 2020.

SECTION 6. The second sentence of section 11 of chapter 53 of the acts of 2020 is hereby amended by striking out the words “a city or town shall not” and inserting in place thereof the following words:- a city, town or district shall not.

SECTION 7. (a) Notwithstanding section 13 of chapter 39 of the General Laws or any other general or special law, charter provision or by-law to the contrary, a town may act by vote of its select board or board of selectmen, in consultation and with the approval of the town moderator, to prescribe the number of voters necessary to constitute a quorum at any town meeting held during the governor’s March 10, 2020 declaration of a state of emergency at a number that is less than the number that would otherwise be required by law, town by-law or town



charter; provided, however, that the number of voters necessary to constitute a quorum shall not be less than 10 per cent of the number that would otherwise be required.

(b) The select board or board of selectmen shall publish notice of its intention to consider an adjustment of town meeting quorum requirements under this section not less than 7 days before the vote of the select board or board of selectmen. The select board or board of selectmen shall provide for adequate means of public access that will allow interested members of the public to clearly follow the deliberations of the select board or board of selectmen on making a quorum adjustment as those deliberations are occurring.

(c) Not less than 10 days after a vote of the select board or board of selectmen to adjust the quorum requirement under this section, the town clerk shall notify the attorney general of the adjusted quorum requirement.

(d) All actions taken pursuant to this section are hereby ratified, validated and confirmed to the same extent as if the town meeting had been conducted in accordance with all other applicable laws, charter provisions, ordinances and by-laws.

SECTION 8. (a) Notwithstanding any general or special law, charter provision, ordinance or by-law to the contrary, in order to address disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19, during the governor's March 10, 2020 declaration of a state of emergency,

if the moderator in a town having a representative town meeting form of government determines that it is not possible to safely assemble the town meeting members and interested members of the public in a common location while complying with any applicable state or local orders, directives or guidance concerning public assemblies, the moderator may request that the select board or board of selectmen of the town call for a representative town meeting to be held through remote participation, including, but not limited to, by means of a video or telephone conferencing platform. Such a request by the moderator to the select board or board of selectmen shall be in writing and shall include, but shall not be limited to: (i) the moderator's determination and request to hold a town meeting through remote participation in accordance with this section; (ii) the video or telephone conferencing platform the moderator has determined to use to hold the town meeting; (iii) confirmation that the moderator has consulted with the local disability commission or coordinator for federal Americans with Disabilities Act compliance; and (iv) a certification by the moderator that: (A) the moderator has tested the video or telephone conferencing platform; and (B) the platform satisfactorily enables the town meeting to be conducted in substantially the same manner as if the meeting occurred in person at a physical location and in accordance with the operational and functional requirements set forth in this section.



A video or telephone conference platform used by a town meeting for remote participation under this section shall, at minimum, provide for the ability for: (i) the moderator, town meeting members, town officials and any other interested members of the public to identify and hear the moderator and each town meeting member who attends and participates in the remotely-held town meeting, as well as any other individuals who participate in the remotely-held town meeting; (ii) the ability to determine whether a quorum is present; (iii) a town meeting member, town official or other individual to request recognition by the moderator without prior authorization; provided, however, that to the extent technologically feasible, the request is visible or audible to the public in real time and upon review of the recording of the town meeting proceedings, preserved according to subsection (h); (iv) the moderator to determine when a town meeting member wishes to be recognized to speak, make a motion, raise a point of order or object to a request for unanimous consent; (v) the moderator to recognize a town meeting member, town official or other individual to speak and to enable that person to speak; (vi) the ability to conduct a roll call vote; (vii) any interested members of the public to access the meeting remotely for purposes of witnessing the deliberations and actions taken at the town meeting; and (viii) the town meeting to be recorded. Registered voters residing in the town wishing to participate in a remote town meeting conducted pursuant to this section shall submit a

request to participate to the town clerk not less than 48 hours in advance of the town meeting. Upon receipt of the request and verification of the requester's voter registration status, the clerk shall provide to the requester instructions for participating in the remote town meeting.

(b) Not later than 10 business days following receipt of a written request by the moderator for remote participation at a town meeting pursuant to subsection (a), the select board or board of selectmen shall vote to determine if the town meeting shall be held remotely by means of the video or telephone conferencing platform requested by the moderator.

(c) If the select board or board of selectmen votes to approve the request of the moderator for remote participation at a town meeting and the select board or board of selectmen has already issued a warrant pursuant to section 10 of chapter 39 of the General Laws calling a town meeting to be held not later than June 30, 2020, the select board or board of selectmen shall, at the same meeting of the board, approve and issue, in consultation with the moderator, a notice that expressly states: (i) that the town meeting shall be held remotely by means of the video or telephone conferencing platform requested by the moderator; (ii) the date and time of the meeting; and (iii) 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.



The notice issued by the select board or board of selectmen shall be: (i) accompanied by the written request of the moderator submitted to the select board or board of selectmen under subsection (a); (ii) filed and posted in accordance with the requirements of subsection (b) of section 10A of chapter 39 of the General Laws; (iii) distributed to each town meeting member; and (iv) publicly posted not less than 10 days before the scheduled date of the remote town meeting. The notice may include a date, time and place for the town meeting to be resumed if the town meeting does not vote to continue the town meeting remotely pursuant to subsection (f).

(d) If the select board or board of selectmen votes to approve the request of the moderator for remote participation at a town meeting and the select board or board of selectmen has not yet issued a warrant for a town meeting, the select board or board of selectmen shall approve and issue a warrant pursuant to section 10 of said chapter 39 for the town meeting that expressly states: (i) that the town meeting shall be held remotely by means of the video or telephone conferencing platform requested by the moderator; (ii) the date and time of the meeting; and (iii) 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.

The warrant issued by the select board or board of selectmen shall be: (i) accompanied by the written request of the moderator submitted to the select board or board of selectmen under subsection (a); and (ii) filed in accordance with said section 10 of said chapter 39, all other applicable laws and any relevant provisions of the town charter or by-laws. The warrant may include a date, time and place for the town meeting to be resumed if the town meeting does not vote to continue the town meeting remotely pursuant to subsection (f).

(e) Not later than 5 business days after a vote of the select board or board of selectmen to approve the request of the moderator to hold a town meeting remotely pursuant to subsection (c) or (d), the town clerk shall submit certified copies of the vote of the select board or board of selectmen and the written request of the moderator to the attorney general.

(f) Prior to taking up any business at a representative town meeting held through remote participation under this section, the town meeting members present and voting at the meeting shall vote on whether or not to commence business at the town meeting remotely by means of the chosen video or telephone conferencing platform. If the town meeting votes to continue conducting the town meeting remotely, then the town meeting shall proceed by remote participation to address the articles included in the warrant. If the town meeting does not vote to continue conducting the town meeting remotely, then the town



meeting shall be adjourned to the date, time and place specified in the notice or warrant under subsection (c) or (d). If no date, time and place has been specified in the notice or warrant, the town meeting shall immediately be dissolved without taking any votes on any other matters and the select board or board of selectmen may call the town meeting pursuant to a new warrant that provides for the town meeting to be held in person at a physical location in accordance with said section 10 of said chapter 39, all other applicable laws and provisions of the town charter and by-laws.

(g) Any roll call vote taken at a representative town meeting held through remote participation pursuant to this section shall be taken by any means that the moderator determines accurately and securely records the votes of those entitled to vote at the meeting, including, but not limited to, roll call vote, electronic voting, voting by ballot, voting by phone or any combination thereof. The vote of each town meeting member on a roll call vote shall be recorded and kept with the minutes of the town meeting.

(h) A representative town meeting held remotely pursuant to this section shall be recorded and the recording shall be preserved and made publicly available on the town's website for not less than 90 days after the conclusion of the remote town meeting.

(i) All actions taken during a remote town meeting held pursuant to this section are hereby ratified, validated and confirmed to the same extent as if the town meeting had been conducted in person and such actions are in accordance with all other applicable laws, charter provisions, ordinances and by-laws.

SECTION 9. Notwithstanding section 9 of chapter 39 of the General Laws or any other general or special law, charter provision, ordinance or by-law to the contrary, in order to address the disruptions caused by the 2019 novel coronavirus, also known as COVID-19, during the governor's March 10, 2020 declaration of a state of emergency, a select board or board of selectmen, in consultation with and with the approval of the town moderator, may vote to hold town meeting outside the geographic limits of the town if the select board or board of selectmen determines that it is not possible to adequately conduct town meeting in a location within the geographic limits of the town in a manner that ensures health and safety; provided, however, that a meeting for the election by ballot of federal, state or other officers or the determination of other matters that are to be determined by ballot at an election shall be held within the geographic limits of the town. The select board or board of selectmen shall publicly post notice of the location of town meeting to be held outside the geographic limits of the town not less than 10 days before the date of the meeting. Nothing in this section shall supersede or otherwise



affect the validity of any special law, charter or by-law in place before the governor's March 10, 2020 declaration of a state of emergency that provides for holding town meeting outside the geographic limits of the town.

SECTION 10. (a) Notwithstanding section 5B of chapter 40 of the General Laws or any other general or special law to the contrary, as a result of the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the effects of the governor's March 10, 2020 declaration of a state of emergency, for fiscal year 2021, a town or city may suspend the dedication of revenues to 1 or more special funds for fiscal year 2021 when such revenues are dedicated to a stabilization fund under said section 5B of said section 40 or dedicated to a special fund pursuant to special law, and such revenues shall during fiscal year 2021 be credited to the general fund of the city or town.

(b) Notwithstanding said section 5B of said chapter 40 or any other general or special law to the contrary, for fiscal year 2021, a city, town or district may appropriate funds from any stabilization fund created pursuant to said section 5B of said chapter 40 or special fund established by special law for any lawful purpose notwithstanding the specified purpose of the fund.

(c) The options exercised pursuant to subsections (a) and (b) shall be exercised in a town with a town meeting form of government by a 2/3 vote of its select board, board of

selectmen or town council and, in a city, by a 2/3 vote of its city or town council with the approval of the mayor or manager; provided, however, that an option exercised pursuant to said subsection (b) shall also require the approval of a city's or town's school committee when the stabilization fund has been established for educational purposes.

(d) Subsection (a) shall not apply to surcharges assessed pursuant to section 39M of chapter 40 or chapter 44B of the General Laws or any other special fund established pursuant to the General Laws.

SECTION 11. Notwithstanding section 32 of chapter 44 of the General Laws or any other general or special law, charter provision or ordinance to the contrary, if the mayor of a city is unable, as a result of the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the effects of the governor's March 10, 2020 declaration of a state of emergency, to submit an annual budget for fiscal year 2021 to the city council within 170 days as required by the first paragraph of said section 32 of said chapter 44, the time periods and deadlines set forth in said section 32 of said chapter 44 for the mayor and city council to act on the annual budget shall be extended until 60 days after the termination of the governor's March 10, 2020 declaration of the state of emergency; provided, however, that within 30 days after the termination of the declaration of emergency or on July 31, 2020, whichever is earlier, the mayor shall submit to the city council the annual



budget for fiscal year 2021 for the purposes of said section 32 of said chapter 44 and the time periods and deadlines set forth in said section 32 of said chapter 44 shall, if not inconsistent with this section, otherwise thereafter apply; and provided further, that notwithstanding said section 32 of said chapter 44 to the contrary, the mayor may submit to the city council a continuing appropriation budget for the city on a month-by-month basis for a period not to exceed 3 months if the city has not approved an annual budget for fiscal year 2021 by June 30, 2020, as a result of the outbreak of COVID-19 and the governor's March 10, 2020 declaration of a state of emergency.

SECTION 12. (a)(1) Notwithstanding sections 52 and 56 of chapter 41 of the General Laws, a city or town may approve a payment for the period beginning on or after March 10, 2020 through the remainder of fiscal year 2020 on an existing service contract for school or education-related services entered into by the school committee or a service contract renegotiated or modified by the school committee in order to maintain the availability of and access to the services secured under the underlying contract between the parties; provided, that: (i) the underlying service contract was in effect before March 10, 2020 and the service contractor was unable to perform services under the contract as a result of the disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19 and effects of the governor's March 10, 2020 declaration of a state of emergency;

and (ii) there are sufficient unencumbered available funds remaining for such payment in the appropriation for the purpose.

(2) Before any payment, the service contractor shall present to the approving authorities set forth in subsections (b) and (c), a sworn statement reporting grants, discounted loans or other financial support that the service contractor has received from a state, federal or local government as a result of the outbreak of COVID-19 or, if the service contractor has not received any such grants, discounted loans or other financial support, affirming that the service contractor has not received, and shall not receive thereafter, any such grants, discounted loans or other financial support. If the service contractor reports it has received grants, discounted loans or other financial support from a state, federal or local government, the payments to the service contractor made pursuant to this section and section 13 shall not exceed the total amount to which the service contractor is eligible under the service contract less the amount the service contractor received in such grants, discounted loans or other financial support and the sworn statement shall include an attestation that the payment is not in excess of that amount.



(b) In a city, the payment set forth in subsection (a) shall be approved by: (i) the school committee; (ii) a city auditor, accountant or other officer having similar duties; and (iii) the chief executive officer of the city as defined in clause Fifth B of section 7 of chapter 4 of the General Laws.

(c) In a town, the payment set forth in subsection (a) shall be approved by: (i) the school committee; (ii) a town accountant or other officer having similar duties; and (iii) the chief executive officer of the town as defined in clause Fifth B of section 7 of chapter 4 of the General Laws.

(d) This section shall not apply to tuitions and rates set by the bureau of purchased services within the operational services division pursuant to section 22N of chapter 7 of the General Laws, which are set and are non-negotiable for fiscal year 2020.

SECTION 13. (a)(1) Notwithstanding sections 52 and 56 of chapter 41 and section 16A of chapter 71 of the General Laws, a regional school district may approve a payment for the period beginning on or after March 10, 2020 through the remainder of fiscal year 2020 on an existing service contract for school or education-related services entered into by the regional school district or a service contract renegotiated or modified by the regional school committee in order to maintain the availability of and access to the services secured under the underlying contract between the parties; provided, however,

that: (i) the underlying service contract was in effect before March 10, 2020 and the service contractor was unable to perform services under the contract as a result of the governor's March 10, 2020 declaration of a state of emergency or the outbreak of the 2019 novel coronavirus, also known as COVID-19; and (ii) there are sufficient unencumbered available funds remaining for such payment in the appropriation for the purpose.

(2) Before any payment, the service contractor shall present to the approving authorities set forth in subsection (b), a sworn statement reporting grants, discounted loans or other financial support that the service contractor has received from a state, federal or local government as a result of the outbreak of COVID-19 or, if the service contractor has not received any such grants, discounted loans or other financial support, affirming that the service contractor has not received, and shall not receive thereafter, any such grants, discounted loans or other financial support. If the service contractor reports it has received grants, discounted loans or other financial support from a state, federal or local government, the payments to the service contractor made pursuant to this section and section 12 shall not exceed the total amount to which the service contractor is eligible under the service contracts less the amount the service contractor received in such grants,



discounted loans or other financial support and the sworn statement shall include an attestation that the payment is not in excess of that amount.

(b) The payment set forth in subsection (a) shall be approved by the regional school committee and a business manager, assistant superintendent for business or other employee with title of similar import and responsibilities as those of a town accountant.

(c) This section shall not apply to tuitions and rates set by the bureau of purchased services within the operational services division pursuant to section 22N of chapter 7 of the General Laws, which are set and are non-negotiable for fiscal year 2020.

SECTION 14. (a) For purposes of this section, “emergency educator license” shall mean a license issued by the commissioner of elementary and secondary education pursuant to subsection (b) and subject to the provisions of this section.

(b) Notwithstanding section 38G of chapter 71 of the General Laws or any other general or special law to the contrary, in order to address disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19, or the governor’s March 10, 2020 declaration of a state of emergency, the commissioner of elementary and secondary education may issue emergency educator licenses to

individuals upon application to the commissioner. The commissioner may issue emergency educator licenses during the period of the state of emergency and for a period of 180 days after the termination of the state of emergency. An emergency educator license shall be valid through June 30, 2021 or a different time specified by the commissioner, unless the commissioner suspends or revokes it for cause, pursuant to standards and procedures that shall be established by the board of elementary and secondary education.

(c) To be eligible to receive an emergency educator license, an individual must possess a bachelor's degree and must have been prevented from completing the testing, demonstration of subject matter knowledge, coursework or program requirements for an educator license as a result of the outbreak of COVID-19 or the March 10, 2020 declaration of a state of emergency. Emergency educator licenses shall be available only to individuals seeking their first Massachusetts academic and vocational teacher, specialist teacher, administrator or professional support personnel license. Individuals shall identify the field and level of the license sought in their application to the commissioner. If the regulations of the board of elementary and secondary education require an underlying educator license, the emergency educator license shall be available in that field only to individuals who hold the underlying license.



(d) Service of an employee under an emergency educator license shall not be counted as service in acquiring professional teacher status or other rights under section 41 of chapter 71 of the General Laws; provided, however, that if the employee obtains a temporary, initial, provisional or professional educator's license in the same field as the emergency educator's license by June 30, 2021 or a different deadline specified by the commissioner and continues to work for the same employer under the newly acquired license, the service under the emergency educator license shall be counted as service toward professional teacher status.

(e) The commissioner shall prescribe the form and manner of applications for the emergency educator license and may issue guidance or regulations for the implementation of this section.

SECTION 15. Notwithstanding any general or special law to the contrary, the actions taken by any town to postpone an election in accordance with this act or chapter 45 of the acts of 2020 or to postpone the statutory deadlines for circulating, filing and certifying nomination papers to new dates consistent with the date of their rescheduled election shall be ratified, validated and confirmed as though said chapter 45 had specifically authorized the same and this act had been in place prior thereto.

SECTION 16. If this act does not take effect until after the date of a scheduled municipal caucus or municipal election during the governor's March 10, 2020 declaration of a state of emergency, the actions of the board of selectmen, town council, city council and local election officials to postpone a municipal caucus or municipal election shall be ratified, validated and confirmed as if this act had been in place prior thereto.

SECTION 17. If this act does not take effect at least 15 days prior to the date of a scheduled representative town meeting to be held during the governor's March 10, 2020 declaration of a state of emergency, the actions of a town moderator, select board or board of selectmen, and town meeting that are substantially consistent with the requirements of section 8 shall be ratified, validated and confirmed in all respects as if this act had been in place prior thereto.

SECTION 18. Section 11 shall take effect on May 1, 2020.

*Approved, June 5, 2020.*