

Remote Participation Policy Energy Efficiency Advisory Council

Below is set forth the remote participation policy for the voting and non-voting members of the Energy Efficiency Advisory Council (“EEAC”).

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Section 1: Purpose and Scope

(1) Purpose. This document sets forth the remote participation policy for members of the EEAC ~~for subcommittee meetings only~~. Notwithstanding this policy, the EEAC has a responsibility to ensure that remote participation in meetings does not, in any way, violate the Open Meeting Law[†]; Law; G.L. c. 30A, §§ 18-25, the purpose of which is to ensure transparency with regard to deliberations on which public policy is based.

(2) Scope. The remote participation policy applies to all members of the EEAC.

Section 2: Definitions

(1) “Chair of the EEAC” refers to the commissioner of ~~energy resources or, in the chair’s absence, the person~~ Department of Energy Resources or an authorized ~~by the chair to chair the EEAC meeting~~ designee.

(2) “EEAC” refers to the Energy Efficiency Advisory Council, ~~which was~~ established pursuant to G.L. c. 25, § 22.

(3) “EEAC Meeting” refers to EEAC meetings and subcommittee meetings that have been properly noticed pursuant to G.L. c. 30A, § 11A½.

(4) “Non-Voting Members” refers to the 12 EEAC members listed in G.L. c.25, § 22(a) – “1 non-voting ex-officio member from each of the electric and natural gas distribution companies, 1 from each of the approved municipal aggregators, 1 from the heating oil industry, 1 from ISO New England and 1 from energy efficiency businesses.”

(5) “Voting Members” refers to the 15 EEAC members listed in G.L. c. 25, § 22(a) representing each of the following—~~“(1) residential customers, (2) the low-income weatherization and fuel assistance program network, (3) the environmental community, (4) businesses, including large C&I end-users, (5) the manufacturing industry, (6) energy efficiency experts, (7) organized labor, (8) the department of environmental protection, (9) the attorney~~

[†]G.L. c. 30A, §§ 18-25.

general, (10) the executive office of housing and economic development, (11) the Massachusetts Non-profit Network, (12) a city or town in the commonwealth, (13) the Massachusetts association of realtors, (14) a business employing fewer than 10 persons located in the commonwealth that performs energy efficiency services, and (15) the department of energy resources.”

Section 3: Adoption and Revocation

- (1) Adoption of Remote Participation. Voting Members ~~must~~ may, by a simple majority, vote to approve or amend this remote participation policy, in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent EEAC meetings.
- (2) Restrictions. Voting Members may, by a simple majority, enact policies, rules or regulations that prohibit or restrict the use of remote participation provided those policies, rules or regulations do not violate 940 CMR 29.10, or any state or federal law.
- (3) Revocation of Remote Participation. Voting Members may revoke the adoption of remote participation, by a simple majority, in accordance with the requirements of 940 CMR 29.10.

Section 4: Requirements

- (1) Minimum Requirements for Remote Participation.
 - (a) Voting Members and Non-Voting Members who participate remotely in EEAC meetings shall be clearly audible to ~~all persons present at the EEAC meeting location, and vice versa~~ each other and the public at all times;
 - (b) A quorum of the Voting Members, including the ~~chair~~ Chair of the EEAC shall be physically present at the EEAC meeting location;
 - (c) Voting Members who participate remotely in EEAC meetings are permitted to speak at the meeting and participate in all votes, and shall not be deemed absent ~~from the EEAC meeting~~; and
 - (d) Non-Voting Members who participate remotely in EEAC meetings are permitted to speak at the meeting; and shall not be deemed absent ~~from the EEAC meeting~~.
- (2) Permissible Reasons for Remote Participation. Voting Members and Non-Voting Members shall be permitted to participate remotely in an EEAC meeting, in accordance with the procedures described in Section 6 below, if ~~the chair of the EEAC determines that any of the following factors makes said member's~~ physical attendance would be unreasonably difficult:
 - (a) ~~Personal illness;~~
 - (b) ~~Personal disability;~~
 - (c) ~~Emergency;~~
 - (d) ~~Scheduling conflict; or~~
 - (e) ~~Military service.~~

Section 5: Technology

~~Accommodations shall be made~~

(1) ~~The EEAC will provide telephone and internet options for audio and/or video conferencing for remote participation.~~

~~(4)(2) The EEAC will provide reasonable accommodations for any EEAC member who is participating remotely and who requires language interpretation, TTY service, video relay service, or other form of adaptive telecommunications. The following media are acceptable methods for remote participation:~~

~~(a) telephone, internet, or satellite enabled audio or video conferencing; or~~

~~(b) any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.~~

~~However, remote participation by any other means is not permitted.~~

~~(2) If video conferencing is used, the remote participant shall be clearly visible to all persons present in the EEAC meeting location.~~

~~(3) The chair~~ The EEAC will provide reasonable accommodation, upon advance notice, for any non-EEAC member who requires language interpretation, TTY service, video relay service, or other form of adaptive telecommunications.

~~(3)(4) The Chair~~ The Chair of the EEAC shall decide how to resolve any technical difficulties that may arise from remote participation, but is encouraged to suspend EEAC discussions while reasonable efforts are made to resolve the technical difficulties. If technical difficulties result in a remote participant being disconnected from the EEAC meeting, then that fact and the time the disconnection occurred shall be recorded in the EEAC meeting minutes.

~~(4) Responsibility for payment of any costs associated with facilitating remote participation shall be determined by a simple majority of the Voting Members.~~

Section 6: Procedures

(1) Procedures for Remote Participation.

(a) Any Voting Member or Non-Voting Member who wishes to participate remotely shall, as soon as reasonably possible prior to the EEAC meeting, notify the chair of the EEAC, of ~~his or her~~their desire to do so, and the reason for ~~his or her~~their request to participate remotely.

(b) At the start of the EEAC meeting, the chair of the EEAC shall announce the names of all Voting Members and/or Non-Voting Members who will be participating remotely ~~and the reason pursuant to Section 4 (2) for his or her remote participation.~~ This information shall also be recorded in the EEAC meeting minutes.

(c) All votes taken during any EEAC meeting, in which a Voting Member is

participating remotely, shall be by roll call vote.

(d) A Voting Member who participates remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person(s) is approved by a simple majority vote of the public body.

(e) When feasible the chair of the EEAC shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting.