

Warrant Article 34: Resolution regarding transparency during Town Meeting deliberations

The Administration and Finance Subcommittee held a public hearing on Warrant Article 34, a resolution regarding transparency during Town Meeting deliberations, on May 2, 2022. In attendance were petitioners Kate Silbaugh (TMM P1), Amy Hummel (TMM P12), and Gina Hahn (TMM P3); Regina Frawley (TMM P16) and Subcommittee Members Kelly Hardebeck (Chair), Harry Bohrs, Neil Gordon and Stephen Reeders

Recommendation: The Administration and Finance Subcommittee recommends FAVORABLE ACTION by a vote of 4-0-0

Executive Summary	Warrant article 34 is a non-binding resolution to limit large group communications that are not publicly readable in real time during Town Meeting sessions. De minimis communications are not within the scope of the resolution, and enforcement relies on the judgment of Town Meeting members. The resolution calls for this change to be made immediately upon passage.
Voting Yes will...	Discourage Town Meeting members from creating or participating in large-scale, private channels of communication during the proceedings of Town Meeting
Voting No will...	Maintain the status quo
Financial impact [if any]	N/A
Legal implications [if any]	N/A

Link to Recording :

https://brooklinema.zoomgov.com/rec/share/zGAEj5okEqt_3hSHVetVUqGh2uMVu222hK-KMRAaOcjP2XOtsLin70xXu-OQkjsb.w5pdYEF-xjwkwO9m?startTime=1651532059000

Passcode: n7z+.*&t

Introduction

Warrant Article 34 is a resolution of Town Meeting that seeks to limit electronic communications among Town Meeting Members (TMM) during the proceedings of Town Meeting. It seeks to discourage groups of TMMs from communicating via private electronic channels and create greater transparency during deliberations. This article would only apply to exchanges that take place during Town Meeting that are not visible to the public and does not apply to de minimis communications. The resolution would be enforced only by the judgment of each individual TMM.

Discussion

As meetings everywhere moved online during the last two years, governmental and non-governmental groups have often found it difficult to ensure transparency in their proceedings because of the lack of visibility in remote meetings. During an in-person meeting,

each person's level of engagement with the matter being deliberated is clearly visible to the group and, because of social norms, people refrain from using cell phones or engaging in back channel conversations. During remote meetings, such norms are often not adhered to and it is easier for attendees to engage in side conversations without others noticing. The Town Meeting Handbook, which provides guidance on general conduct and conventions, assumes the proceedings of Town Meeting are being conducted in-person and guidance on the use of electronic devices is limited to a reminder to silence cell phones and allows for the use of cell phones only to access documents relevant to the proceedings.

This resolution seeks to establish a clear, defined norm by asking TMMs to refrain from large group private discussions while Town Meeting is in session and to focus their attention on the matters being deliberated. It is an inherent feature of Town Meeting democracy that Members give their attention to the arguments being aired. The articles that are brought before Town Meeting affect the Town's residents, businesses and the Town's future overall. These matters deserve the full attention of Town Meeting members during the proceedings as key information and alternative positions are shared by speakers. Questions posed by TMMs often uncover additional details about articles or their implementation. By engaging in large group conversations, TMMs are not giving their full attention to the matters being discussed on the floor of Town Meeting.

Under Massachusetts law, the rational basis of a warrant article includes the written explanation of the article and the public deliberations that occur during the Town Meeting session which means that the public record of Town Meeting proceedings are used when a bylaw is being challenged in court or interpreted. The existence of large-scale private deliberations undermines the reliability of that record. Some tools that support group conversations offer encryption or automatic message deletion which makes a Freedom of Information Act (FOIA) request impossible to fulfill which was part of the rationale when Washington DC's City Council banned the use of Whatsapp among its members.

Recommendation

By a vote of 4-0-0, The Administration and Finance Subcommittee recommends FAVORABLE ACTION