

Resolution No.

Town of _____ Town Board Meeting

RESOLUTION ADOPTING PROPOSED LOCAL LAW NO. ___ OF 2022: A LOCAL LAW TO ADOPT AMENDMENTS TO THE NEW YORK STATE OPEN MEETINGS LAW FOR THE EXPANDED USE OF VIDEOCONFERENCING IN THE TOWN OF _____

The following resolution was offered by Councilperson _____, who moved its adoption.

WHEREAS, by Resolution duly adopted on _____, 2022, the Town of _____ introduced Local Law No. ___ of 2022: A Local Law To Adopt Amendments to the New York State Open Meetings Law for the Expanded Use of Videoconferencing in the Town of _____; and

BE IT RESOLVED, that a Public Hearing was duly held on the ___ day of _____, 2022, at ___ p.m. to hear any and all persons concerning the adoption of said local law; and

BE IT RESOLVED that the Town of _____ hereby adopts proposed Local Law No. ___ of 2022: A Local Law To Adopt Amendments to the New York State Open Meetings Law for the Expanded Use of Videoconferencing in the Town of _____, reading and provided as follows:

“TOWN OF _____ LOCAL LAW NO. ___ OF 2022

A Local Law To Adopt Amendments to the New York State Open Meetings Law for the Expanded Use of Videoconferencing in the Town of _____.

BE IT ENACTED by the Town of _____ Town Board as follows:

§1. Title.

This local law shall be titled, “A Local Law to Adopt Amendments to the New York State Open Meetings Law for the expanded use of videoconferencing in the Town of _____”.

§2. Purpose and Intent.

The purpose of this law is to authorize the Town of _____ to allow for expansion of the use of videoconferencing to conduct open meetings.

§3. Authority.

This local law is adopted pursuant to the provisions of the Municipal Home Rule Law. On April 9, 2022, Governor Hochul signed an amendment to the Open Meetings Law to allow, until the expiration date of July 1, 2024, the expanded use of

videoconferencing by public bodies in the conduct of open meetings, under extraordinary circumstances, regardless of a declaration of emergency. In order to continue meeting virtually, counties must adopt a local law to opt in.

§4. Authorization.

The Town of _____ hereby authorizes the use of videoconferencing for all public bodies of the Town of _____, including itself and its committees and subcommittees, and all Boards of the County of Essex, subject to the written procedure set forth below which may be amended by resolution.

§5. Conditions.

- a) A quorum of members of the public body must be physically present in the same physical location or locations, where members of the public may attend, to fulfil any quorum requirements to which said public body is subject.
- b) These procedures shall be conspicuously posted on the Town's website.
- c) Members of the Town Board shall be physically present at meetings, unless allowed remote attendance at locations that do not allow for in-person physical attendance by the public, under extraordinary circumstances.
- d) The list of extraordinary circumstances is non-exhaustive, but shall include illness, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting. The following shall not be deemed as extraordinary circumstances: vacation or delayed travel.
- e) Members shall provide notice of their inability to attend a meeting to the Town Clerk at least 24 hours prior to the meeting or as soon as reasonably able.
- f) The Committee Chairs, when available, shall retain discretion over permitted extraordinary circumstances for their Committee, pursuant to Section 2(d) of this local law.
- g) The Town Supervisor shall retain discretion over permitted extraordinary circumstances for the Board and for Committee meetings when that Chair is unavailable, pursuant to Section 2(d) of this local law.
- h) Members allowed to appear remotely shall leave their video camera on at all times during the meeting unless excused by the Chairperson.
- i) Rules for executive session shall still apply, and members shall not permit any unauthorized persons to listen to or overhear any executive session discussion.
- j) It is understood that members permitted to attend a a location that does not allow for in-person physical attendance by the public will not count toward a quorum. Only members present at a physical location which allows for in-person attendance by the public will count toward

- a quorum.
- k) Any members of the public attending a meeting must be able to hear, see and identify any member of the public body who is attending remotely while the meeting is being conducted.
 - l) Meetings conducted using videoconferencing shall be recorded and those recordings shall be posted or linked within five (5) business days of the meeting on the Town website and maintained for five (5) years thereafter. Recordings shall be transcribed upon request.
 - m) In those meetings where videoconferencing is used the public shall be able to view the meeting via video and participate in the proceedings via videoconference in real time where public participation is authorized.
 - n) The Town Board may hold fully remote meetings, and in-person participation requirements of the Law shall not apply, during: a state disaster emergency declared by the governor pursuant to Section 28 of the Executive Law, or a local state of emergency proclaimed by the chief executive of a county, city, village, or town pursuant to Section 24 of the Executive Law, if the Board determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Board to hold an in-person meeting.
 - o) If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, where the required documents and records will be posted or available, where members of the public can view and/or participate in such meeting via videoconference and identify the physical locations where members of the Board will be physically present at the meeting and where members of the public can attend the meeting in person.
 - p) If videoconferencing is used to conduct a meeting, members of the public shall be allowed to view the video broadcast of any meeting using videoconferencing simultaneously when the meeting is conducted. Additionally, at meetings where public comment or participation is authorized by the County or Law, members of the public shall be allowed to participate in the proceedings using videoconference technology in real time and with the same opportunity for public participation or testimony as in-person participation or testimony.
 - q) Open meetings of any public body that are broadcast or that use videoconferencing shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines.
 - r) The minutes of the meetings involving videoconferencing must include which, if any members, participated remotely and must be made available to the public.

§6. Severability.

If any clause, sentence, paragraph, section, subdivision or other party of this local law or its applications shall be adjudged by a court of competent jurisdiction to be invalidated or unconstitutional, provided that such judgment does not invalidate this local law or prohibit its administration, such order or judgment shall not affect, impair or otherwise invalidate the remainder of this local law which shall remain in full force and effect.

§7. Effective Date.

This local law shall be effective immediately upon its filing with the New York State Secretary of State.

§8. Expiration Date.

This local law shall expire on July 1, 2024.”

This resolution was duly seconded by _____, and adopted, upon a roll-call vote as follows:

	Vote
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

By order of the Town Board of the Town of _____.

Dated:

_____, Town Clerk

Town of _____
Address: _____

Telephone: (518) _____

