

TITLE: PROPOSING A RESOLUTION ALLOWING FOR THE EXPANDED USE OF VIDEOCONFERENCING TO CONDUCT OPEN PUBLIC MEETINGS, UNDER EXTRAORDINARY CIRCUMSTANCES.

Pursuant to New York Public Officers Law §103-a.

WHEREAS, on April 9, 2022, Governor Hochul signed Chapter 56 of the Laws of 2022 relating to the New York State budget, which included an amendment to the Open Meetings Law (OML) to make permanent, until July 1, 2024, the expanded use of videoconferencing by public bodies to conduct open meetings, under extraordinary circumstances, regardless of a declaration of emergency; and

WHEREAS, each Land Bank that wishes to allow for remote attendance by its members at locations that do not allow for in-person physical attendance by the public is required to adopt a resolution authorizing such remote attendance and establish written procedures that set forth what they determine to be extraordinary circumstances; and

WHEREAS, the Steuben County Land Bank Corporation desires allowing for the expanded use of videoconferencing to conduct open public meetings, under extraordinary circumstances.

NOW THEREFORE, BE IT

RESOLVED, the intent of this resolution is to allow for the expanded use of videoconferencing to conduct open public meetings, under extraordinary circumstances; and be it further

RESOLVED, after due consideration of the amendment and the requirements thereto, the Steuben County Land Bank Corporation adopts the expanded use of videoconferencing to conduct open public meetings pursuant to the following procedures:

- (a) Members of the Land Bank 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.
- (b) The list of extraordinary circumstances is non-exhaustive, but shall include disability, illness, caregiving responsibilities or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting.
- (c) Members shall provide notice of their inability to attend a meeting to the CEO of the Land Bank at least 24 hours prior to the meeting or as soon as practicable.
- (d) The CEO of the Land Bank shall retain discretion over permitted extraordinary circumstances.
- (e) It is understood that members permitted to attend at a location that does not allow for in-person physical attendance by the public, will not count towards a quorum. Only members present at the physical location which allows for in-person attendance by the public will count towards a quorum.
- (f) Minutes of the meetings involving videoconferencing shall include which, if any, members participated remotely, with those participating under extraordinary circumstances being designated separately.
- (g) 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.

- (h) If video conferencing is used to conduct a meeting, the public notice shall inform the public where they can view and/or participate in such meeting, where required documents and records will be posted or available, and identify the physical location for the meeting where the public can attend.
- (i) Meetings conducted using videoconferencing shall be recorded and those recordings shall be posted or linked within 5 business days of the meeting and maintained for 5 years thereafter. Recordings shall be transcribed upon request.
- (j) In those meetings where videoconferencing is used, the public shall be able to view the meeting via videoconference in real time where public participation is authorized.
- (k) Open meetings using videoconferencing shall use technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act.
- (l) The in person participation requirements of this resolution shall not apply during a state disaster emergency declared by the Governor or a local state of emergency as declared by the Chief Executive of the county if it is determined that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in person meeting.
- (m) These written procedures shall be conspicuously posted on the County's website.

AND IT IS FURTHER RESOLVED, approval of this resolution is subject to a Public Hearing to be held on December 7, 2022 at 11:00 a.m., in the Legislative Chambers, 3rd Floor, Annex Building, 20 East Morris Street, Bath, NY and the public hearing shall also be advertised in *The Leader* and *The Spectator*; and be it further

RESOLVED, this resolution if passed shall remain in effect until July 1, 2024 as set forth by NYS in Chapter 56 of Laws of 2022.