

Adirondack Park Agency Policy, Procedures & Guidance System	AGENCY - 9
Topic: Videoconferencing	
John Ernst, Chairperson	Date: Month Day, Year

I. Purpose

This Policy is intended to establish written procedures governing member and public attendance at meetings by videoconferencing consistent with Open Meetings Law (OML) as amended by Chapter 56 of the Laws of 2022 relating to the New York State budget for the 2022-2023 state fiscal year. N.Y. Pub. Off. Law § 103-a.

II. Background

The OML sets requirements for the conduct of meetings of a public body that allow for observation of those meetings by the public. Provisions of the OML were suspended during the COVID-19 pandemic state of emergency, allowing for conduct of open meetings fully by videoconference. In April 2022, the OML was amended 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. On ____, 2022, the Agency adopted a resolution authorizing the use of videoconferencing to conduct open meetings of itself and its committees or subcommittees consistent with the provisions of the amended OML.

III. Use of Videoconference to Conduct Open Meetings

The Agency and any of its committees or subcommittees may use videoconferencing to conduct open meetings provided that the following criteria are met:

1. A minimum number of members are present to fulfill the quorum requirement in the same physical location or locations where the public can attend. If at least a bare quorum are present to convene the meeting, recusal of a member or members from an agenda item will not prevent the continuation of the meeting using videoconferencing;
2. Each member shall be physically present at any such meeting unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances, including disability, illness, caregiving responsibilities, or any factor or event that, in the discretion of the Chair, qualifies as a significant or unexpected circumstance excusing the member from being physically present at such meeting. Any member intending to attend a meeting by videoconference shall provide notice to the Board Chair at least one week prior to the date of the meeting;
3. Except in the case of executive sessions conducted pursuant to the OML, the members shall be able to be heard, seen, and identified during formal conduct of the meeting, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon;
4. The minutes of the meetings involving videoconferencing shall include which, if any, members participated remotely;

5. 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 public 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;
6. Each meeting of the Agency is recorded and such recordings are posted or linked on the Agency's website;
7. If videoconferencing is used to conduct a meeting, the Agency shall provide the opportunity for members of the public to view such meeting via video and to participate in public comment at the meeting to the same extent as members of the public attending in person; and
8. The in person participation requirements above shall not apply during a state disaster emergency declared by the governor pursuant to section twenty-eight 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 twenty-four of the executive law, if the Chair determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Agency to hold an in person meeting.

IV. Legal Effect

Nothing in this public comment policy should be interpreted to affect or alter the requirements of the OML or any other requirements for the conduct of a duly called meeting of the Agency or any of its committees or subcommittees.

This policy is not intended to set forth a fixed general principle to be rigidly applied. Rather, its tenets are to be utilized solely as guidance and will be applied only after taking into account the specific facts and circumstances pertaining to conduct of and attendance by members at any open meeting.

IV. Adoption

The Agency has reviewed and adopted this policy effective **DATE**. This policy shall remain in effect until July 1, 2024, or longer as allowed by subsequent amendments to the OML.