

Proposed Local Law 6-2022

A local law adding a new chapter 57 (Videoconferencing by public bodies) of the Village of Ossining Code.

BE IT ENACTED by the Board of Trustees of the Village of Ossining as follows:

Section 1. **Chapter 57 (Videoconferencing by public bodies)** is added to the Village of Ossining Code ("Code") with new matter underlined.

Section 57-1 Purposes and Intent

- A. Beginning in March 2020 former Governor Cuomo and Governor Hochul have issued executive orders suspending certain provisions of state law including the Open Meetings Law (Public Officers Law Article 7). During this period, the public bodies of the Village of Ossining, including the Board of Trustees, Planning Board, Board of Architectural Review, Zoning Board of Appeals and Historic Preservation Commission conducted their meetings remotely.**
- B. On April 9, 2022, Governor Hochul signed into law Chapter 56 of the laws of 2022 which included in part WW an amendment to the Open Meetings Law allowing for the expanded use of videoconferencing by public bodies to conduct open meetings under extraordinary circumstances regardless of a declaration of a state or local emergency.**
- C. Open Meetings Law section 103-a, effective April 9, 2022 requires the governing board of a county, city, town or village to adopt a local law authorizing the use of videoconferencing for itself and its committees and subcommittees and to establish written procedures, "governing member and public attendance consistent" with section 103-a.**
- D. The Board of Trustees of the Village of Ossining believes that providing the opportunity to conduct open meetings of the village's public bodies via videoconferencing under extraordinary circumstances is appropriate and hereby adopts section 103-a for all village public bodies as more fully set forth herein.**

Section 57-2 Definitions

- A. Public Body- Any entity for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body of such public body.**
- B. Public Corporation- Includes a municipal corporation such as a village, town, city and school district.**

Section 57-3 Use of Videoconferencing

Videoconferencing is authorized for all public bodies within the Village of Ossining pursuant to the following requirements:

- A. A minimum number of members of the public body are present to fulfill the public body's quorum requirement in the same physical location or locations where the public can attend.
- B. Written procedures governing member and public attendance shall be established by the public body and such procedures shall be conspicuously posted on the public body's website.
- C. Members of the public body shall be physically present at such meetings unless the member is unable to be physically present due to extraordinary circumstances which shall include disability, illness, caregiving responsibilities or any other significant or unexpected factor or event which precludes the member's attendance at such meeting.
- D. Except in the case of executive sessions conducted pursuant to section 105 of the Open Meetings Law, the public body shall ensure that members of the public body can be heard, seen and identified while the meeting is being conducted, including, but not limited to any motions, proposals, resolutions and any other matters formally discussed or voted upon.
- E. Minutes of meetings involving videoconferencing shall include which, if any, members participated remotely and shall be available to the public within two weeks of the date of the meeting.
- F. Where 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.
- G. Each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the public website of the public body within five business days following the meeting and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.
- H. Where videoconferencing is used to conduct a meeting, the public body shall provide the opportunity for members of the public, including applicants before the public body to view the meeting via video and to participate in proceedings via videoconferencing in real time where public comment or participation is authorized and shall ensure that videoconferencing authorizes the same public participation or testimony as in-person participation or testimony.

Section 57-4 Declaration of emergency

The in-person participation requirements in section 57-3 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 Village Manager or his/her designee pursuant to section twenty-four of the executive law, if the public body determines that circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in-person meeting.

Section 57-5 Use of platforms for remote meetings

The Board of Trustees continues to authorize the use of platforms to broadcast meetings of public bodies remotely affording the public an opportunity to watch, listen and/or participate. Notices for the public meetings shall indicate how the meetings can be viewed remotely.

Section 57-6 **Effective date**

This local law shall take effect upon filing with the Secretary of State.