

TOWN OF DRYDEN
Videoconferencing Public Body Meeting Participation Policy

A. Purpose

To establish guidelines and minimum requirements for the use of videoconferencing technology to participate in the meetings held by Town public bodies, as defined in Public Officers Law §102, and in conjunction with Town of Dryden Local Law __ of 2022.

B. Background

New York State suspended certain requirements of the Open Meetings Law to permit public bodies to meet and conduct town business via videoconferencing platforms and to prohibit in-person attendance during the 2020-2022 COVID Pandemic/State of Emergency.

In April of 2022, Gov. Hochul signed Chapter 56 of the Laws of 2022, which added Public Officers Law § 103-a allowing a town's public bodies to have the option of continuing to use videoconferencing under certain circumstances and conditions, if, among other things, the town board adopts a local law authorizing the use of videoconferencing and a written policy establishing said circumstances and conditions. On June 16, 2022, the Dryden Town Board adopted such a local law (Local Law __ of 2022).

C. Definitions

1. Public Body – All boards, committees, and subcommittees of the Town that meet the definition of “public body” in Public Officers Law § 102.
2. Meeting – The official convening of a public body for the purpose of conducting public business, including the use of videoconferencing for attendance and participation by the members of the public body.
3. Quorum – one half of the full membership of the public body, regardless of vacancies or disqualifications to act, plus one. Example: a board with seven members has a quorum of four. Virtual attendance does not qualify for making quorum but does qualify for all other purposes, including voting purposes.
4. Extraordinary Circumstance – events or factors that would preclude a member's physical attendance at the meeting, e.g.: disability, illness or significant health concerns requiring precautionary actions, caregiving responsibilities, other significant or unexpected factors or events, and events when a member is out of town for a short duration.

D. Policy

1. Members of all public bodies are permitted to attend and participate using videoconferencing under extraordinary circumstances with the following requirements:

- a. A quorum of the public body must be present, in person, in one or more advertised location(s) where the public may attend. A member who is participating from a remote location that is not open to in-person physical attendance by the public may not be counted toward a quorum, but may participate and vote if there is a quorum of members at the physical location(s) open to the public, and
- b. The physical location of any location where members are attending virtually and the public may attend shall be posted on the Town Bulletin Board, Meeting Agenda posted to the Town website and distributed to the media, and
- c. Public notice for any meeting conducted shall include the physical location(s) where the public can attend and/or participate in person, the fact that videoconferencing will be used, where the public can view and/or participate in the virtual meeting, and where any required documents or materials associated with the meeting are posted or available, and
- d. Any member attending virtually must use video capabilities permitting the public to see, hear and identify them throughout the entire portions of the meeting that the Open Meetings Law requires to be held in open session, with limited allowance for customary temporary absences from a meeting for personal interruptions such as coughing, sneezing, stretching, or a bio break.
- e. The public must be able to view via video all meetings which include virtual member attendance and, where public comment or participation is authorized, the public must be allowed to participate by videoconference in real time in a manner that affords the same public participation or testimony as in-person participation or testimony, and
- f. The minutes of all meetings that include virtual member attendance must indicate who participated virtually, and such minutes must be posted to the Town's website within two weeks of the meeting (one week for executive session minutes recording an action taken by formal vote) and be transcribed upon request, and
- g. Each meeting where virtual attendance occurs shall be recorded and such recording must be posted or linked on the Town's website within 5 business days of the meeting and such recording must remain posted or linked for no less than 5 years, and
- h. Virtual attendance should be used sparingly with the expectation that members will be physically present at meetings. Members must notify the chair and/ or staff support when they will not be present at a meeting or will need to attend using videoconferencing, and

- i. All public body open meetings that that are broadcast or use videoconferencing shall be accessible to members of the public with disabilities, as provided in Public Officers Law § 103-a.
- j. This Videoconferencing Public Body Meeting Participation Policy must be conspicuously posted to the Town's website.

E. State of Emergency

As provided for in the New York State legislation described in Section B, if a local state of emergency is declared or a NYS disaster emergency declaration is made, all public bodies may meet completely virtually without the need for a quorum in one or more location(s) at which the public may attend, if the Town Board determines that the circumstances necessitating the state of emergency or disaster emergency declaration would affect or impair the ability of the Town's public bodies to hold an in-person meeting. If the Town Board makes such a determination, all requirements of this Policy, except the in-person member participation requirement, must continue to be met while the state of emergency or disaster emergency declaration remains in effect.

F. Effective and Termination Dates

This Policy shall take effect on June 16, 2022, and shall automatically terminate if the New York State legislation described in Section 2 expires.