

Video Conferencing Public Body Meeting Participation Policy

A. Purpose

To establish guidelines, regulations, and minimum requirements for the use of video conferencing technology to participate in the meetings held by Town public bodies, as defined in Public Officers Law 102, and in conjunction with Town of Tuxedo Local Law xxx of 2022 and Chapter 25 of the Town of Tuxedo Code.

B. Background

New York State suspended certain requirements of the Open Meetings Law to permit public bodies to meet and conduct town business via video conferencing 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 included a provision and guidelines to allow public bodies to have the option of continuing to use video conferencing under certain circumstances and conditions, including establishing a local law authorizing the use of videoconferencing and a written policy establishing said circumstances and conditions.

C. Definitions

1. **Public Body** – a political subdivision, or a committee or subcommittee or other similar body for which a quorum is required to conduct business or perform its function. This shall include all boards, committees, and subcommittees of the Town.
2. **Meeting** – any gathering of a public body called for the purpose of conducting town business.
3. **Quorum** – one half of the full membership of the public body, regardless of vacancies, 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 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 video conferencing under extraordinary circumstances with the following requirements:

- a. A quorum of the public body must be present, in person, in one or more publicly accessible and advertised location(s). 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 a physical location open to the public, and
- b. The location of any publicly accessible location where members are attending virtually shall be posted with the Notice of Meeting, and
- c. Public notice for any meeting conducted shall include where the public can participate in person, where to access the virtual meeting and where any documents or materials associated with the meeting are available, and
- d. Any member attending virtually must have video capabilities permitting the public to see, hear and identify them throughout the entire meeting with limited allowance for customary pauses for personal interruptions such as coughing, sneezing, stretching, bio break.
- e. All meetings which include virtual attendance by members must permit the attendance of the public in a manner that allows for real-time participation and ensure that members can be heard, seen, and identified when in open session, and
- f. All meetings that include virtual attendance must ensure the minutes indicate who participated virtually, and
- g. Each meeting where virtual attendance occurs shall be recorded, and
- h. Virtual attendance should be used sparingly with the expectation to 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. Written procedures for attendance by members and the public must be conspicuously posted to the Town's website.

E. State of Emergency

1. As provided for in the New York State Legislation, if a State of Emergency or Disaster Declaration is made, all public bodies may meet completely virtually without the need for a quorum in one or more publicly accessible location(s), all other requirements remain.