

Sample Videoconferencing Local Law

[Pursuant to Public Officers Law § 103-a public bodies are authorized to conduct meetings using videoconference technology so long as a quorum of the public body is physically present at one or more of the locations where the public can also attend in person. This requirement can be satisfied, for example, if three members of a five-member public body are physically present in the municipal hall and the public is allowed to attend at that location, or if three members of a five-member public body are participating via videoconference from three different locations and the public is allowed to be physically present at each of those locations.

A member of a public body may participate in a meeting of a public body without allowing members of the public to be physically present at the location from which they are participating in the meeting if extraordinary circumstances exists such as disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting.

If a public body broadcasts its meetings or conducts its meetings via videoconference, it must use technology that permits members of the public with disabilities to access the video in a manner consistent with the 1990 Americans with Disabilities Act (ADA). Information on how meetings can be made accessible to attendees with disabilities can be found online at www.section508.gov/create/accessable-meetings/. In addition, local officials should consult with their municipal attorney to ensure compliance with this requirement.]

Local Law No. _____ of the year 2022

City/Village of _____, County of _____

A local law adopted pursuant to Public Officers Law § 103-a authorizing the use of videoconferencing within the City/Village of _____.

Section 1. Legislative Intent

It is the intent of this local law to authorize the City/Village of _____ to conduct meetings consistent with the videoconferencing provisions of Public Officers Law § 103-a and the videoconferencing policies adopted by the City Council/Board of Trustees.

Section 2. Authority

This local law is adopted pursuant to Public Officers Law § 103-a, which expressly authorizes the City Council/Board of Trustees to adopt local legislation, authorizing the use of videoconferencing.

Section 3. Videoconferencing for Public Meetings

The City Council/Board of Trustees of the City/Village of _____, County of _____, hereby authorizes the use of videoconferencing when conducting meetings of the City Council/Board of Trustees subject to the following:

1. A quorum of the members of the City Council/Board of Trustees are physically present at the meeting in one or more physical locations at which members of the public may attend the meeting.
2. Members of the City Council/Board of Trustees are physically present at the meeting location(s) at which the public can attend in person unless the member of the City Council/Board of Trustees is unable to be physically present due to extraordinary circumstances:
 - a. Extraordinary circumstances is defined to include any disability or illness, caregiving responsibilities, or any significant or unexpected factor or event that precludes the City Council/Board of Trustees member's physical attendance at such meeting.
 - b. Extraordinary circumstances must be certified by email or other written means to the City/Village Clerk by the member of the City Council/Board of Trustees in accordance with the City/Village's videoconferencing policies and procedures and not less than 72 hours prior to any meeting.
3. Except in the case of executive sessions conducted pursuant to Public Officers Law § 105, members of the City Council/Board of Trustees must be able to be heard, seen, and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon.
4. The minutes of meetings involving videoconferencing must include which, if any, members of the City Council/Board of Trustees participated using videoconferencing technologies.
 - a. Such minutes must be made available to the public pursuant to Public Officers Law § 106.
 - b. Any meeting that uses videoconferencing must be recorded and such recordings must be posted to or linked on the City/Village .website within five business days of the meeting. The recordings must remain available for a minimum of five years thereafter and recordings must be transcribed upon request.
5. The public notice for any meeting involving videoconferencing must:
 - a. Inform the public that:
 - i. videoconferencing will be used,
 - ii. where members of the public can view and/or participate in such meeting via videoconference, and
 - iii. where required documents and records will be posted or available; and

- b. Identify the physical location(s) where members of the City Council/Board of Trustees will be physically present at the meeting and where members of the public can attend the meeting in person.
- 6. Members of the public are able to view the video broadcast of any meeting using videoconferencing simultaneously when the meeting is conducted. Additionally, at meetings where public comment or participation is authorized by the City Council/Board of Trustees, members of the public are able to participate in the proceedings using videoconference technologies in real time and with the same opportunities for public participation or testimony as in-person participation or testimony.
- 7. The City Council/Board of Trustees body may conduct meetings entirely by videoconference, with no in-person requirement, provided that:
 - a. A state of emergency is declared by the Governor of the State of New York pursuant to Executive Law § 28, or
 - b. A local state of emergency is declared by the Chief Executive Officer of the City/Village pursuant to Executive Law § 24, and the City Council/Board of Trustees determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in-person meeting.
- 8. Whenever the City Council/Board of Trustees invokes the emergency exception as defined in paragraph 7 and takes action at such meeting without allowing members of the public to be physically present, the City Council/Board of Trustees must acknowledge the previous meeting(s) and summarize any action(s) taken thereat at the next immediate meeting where the public is allowed to attend. The City Council/Board of Trustees must produce minutes of such emergency meetings pursuant to the requirements of Public Officers Law § 106.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

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