

LOCAL LAW # 3 OF THE YEAR 2022
Village of Menands, County of Albany

A local law authorizing videoconferencing for public meetings pursuant to Public Officers Law § 103-a

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Menands to conduct meetings using teleconferencing software as defined by New York State Public Officers Law § 103-a.

Section 2. Authority

This local law is adopted pursuant to New York State Public Officers Law § 103-a, which expressly authorizes the Village of Menands Board of Trustees to adopt local legislation, authorizing the use of videoconferencing.

Section 3. Videoconferencing authorization

The Board of Trustees of the Village of Menands, County of Albany, is hereby authorized to utilize videoconference software for regular bimonthly meetings, special meetings, public hearings, committee meetings, zoning board of appeals meetings, workshops, and any other public meetings as prescribed by Public Officers Law § 103-a, subject to the following:

1. A quorum of the members of the board 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 board are physically present at the meeting location(s) at which the public can attend in person unless the member of the board is unable to be physically present due to extraordinary circumstances:
 - a. Extraordinary circumstances is defined to include, but is not limited to, any disability or illness, caregiving responsibilities, or any significant or unexpected factor or event that precludes the board member's physical attendance at such meeting.
 - b. Extraordinary circumstances must be certified by email or other written means to the presiding officer for that meeting, as well as the clerk of the meeting, by the member of the board in accordance with the Village of Menands videoconferencing policies and procedures.
3. Except in the case of executive sessions conducted pursuant to Public Officers Law §105, members of the board 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 board 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 Village of Menands 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 board 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 board, 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 board 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 mayor of the Village of Menands pursuant to Executive Law § 24, and the presiding officer of the board 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 board 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 board must acknowledge the previous meeting(s) and summarize any action(s) taken, including but not limited to motions and resolutions, including the vote breakdown, at the next immediate meeting where the public is allowed to attend. The board 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.