

SPECIAL MEETING - LEGISLATIVE, RULES & GOVERNMENTAL OPERATIONS COMMITTEE
LEGISLATIVE AGENDA
JUNE 7, 2022

Committee Members: Supervisors Strough, Driscoll, Conover, Frasier, Thomas, McDevitt and Seeber

- I. Committee meeting called to order by Committee Chair
- II. Approval of minutes of prior Committee meeting - May 24, 2022
- III. Action Agenda/New Business Items:
 1. Consideration of draft Local Law provided by the County Attorney regarding expansion of videoconferencing for public meetings.
- IV. Discussion Items:
- V. Referrals/Pending Items:

Review of Referral/Pending Items waived until next regular meeting.
- VI. Privilege of the Floor to discuss any additional items to come before the Committee
- VII. Motion to adjourn

Attachments: Draft Local Law.

Warren County Board of Supervisors

RESOLUTION NO. OF 2022

RESOLUTION INTRODUCED BY SUPERVISORS

INTRODUCING PROPOSED LOCAL LAW NO. 2 OF 2022, ENTITLED "A LOCAL LAW ADOPTING THE EXPANSION OF VIDEOCONFERENCING FOR PUBLIC MEETINGS", AND AUTHORIZING PUBLIC HEARING THEREON

RESOLVED, that proposed Local Law No. 2 of 2022 entitled "A Local Law Adopting the Expansion of Videoconferencing for Public Meetings", attached hereto and made a part hereof, be, and the same hereby is, introduced before the Warren County Board of Supervisors, and in order to give interested members of the public the opportunity to be heard thereon, the Board of Supervisors shall hold a public hearing at the Supervisors' Room in the Warren County Municipal Center on the 15th day of July, 2022, at 10:00 a.m., on the matter of the adoption of said proposed Local Law No. 2 of 2022, and be it further

RESOLVED, that the Clerk of the Board of Supervisors be, and hereby is, authorized and directed to give notice of such public hearing in the manner provided by law.

COUNTY OF WARREN

PROPOSED LOCAL LAW NO. 2 OF 2022

WHEREAS, on April 9, 2022, Governor Kathy Hochul signed an amendment to the Public Officers Law, Article 7, Open Meetings Law, to allow, until the expiration date of July 1, 2024, the expanded use of videoconferencing by public bodies in the conduct of open meetings, under extraordinary circumstances, regardless of a declaration of emergency, and

WHEREAS, in order to use videoconferencing to conduct its meetings, the Warren County Board of Supervisors (hereafter, "Board") must pass a local law authorizing the use of videoconferencing, and

WHEREAS, the Board seeks to authorize the use of videoconferencing for itself, its committees and sub-committees, to include the members of all special committees, and seeks to establish written procedures governing member and public attendance at meetings of public bodies when extraordinary circumstances exist, and

WHEREAS, pursuant to section 103-a of the Public Officers Law, beginning on the filing date of this Local Law with the New York Secretary of State, members of the Warren County Board of Supervisors, and its committees, and sub-committees, to include the members of all special committees, may attend meetings by use of videoconferencing, as provided by the following written procedures:

1. That members of the Board, its committees and sub-committees, to include the members of all special committees, shall meet in person at a physical location that is open to the public with at least the minimum number of members present to satisfy the quorum requirement for the public body. Members attending through videoconferencing at a location that does not allow for in-person physical attendance by the public shall not count toward the required quorum for the meeting.
2. That a member unable to be physically present at the meeting location for which quorum is established and seeks to attend by use of videoconferencing from a location which is not open to the public may attend such meeting by videoconferencing based upon extraordinary circumstances which prevent the member's physical attendance.
3. That the term "extraordinary circumstances" shall mean any disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting.
4. That a member seeking to attend a meeting by use of videoconferencing due to extraordinary circumstances shall notify the Clerk of the Board of Supervisors at least twenty-four (24) hours before the start of the scheduled meeting.
5. That upon establishing a quorum, the Chair of the Board, or the Chair of its committees, sub-committees, and special committees, or the acting Chair, shall inform the public body of any member requesting to attend by videoconference and shall determine, in their discretion, whether

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- to approve the member's attendance by use of videoconferencing due to extraordinary circumstances.
6. That the minutes of meetings involving videoconferencing shall include which, if any, members participated remotely.
 7. That every public body meeting which permits one or more members to attend by use of videoconferencing shall comply with each of the following requirements:
 - a. That 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 matter formally discussed or voted upon, except in the case of executive sessions conducted pursuant to section 105 of the Public Officers Law.
 - b. That the public notice for the meeting shall inform the public:
 - i. That videoconferencing will be used to conduct the meeting;
 - ii. That the public may view and/or participate in such meeting;
 - iii. That required documents and records will be posted or available for the public; and
 - iv. The physical location for the meeting where the public may attend.
 - c. That the public body shall be recorded and such recordings posted or linked on the County's website within five business days following the meeting and shall remain available for a minimum of five years thereafter.
 - d. That the public body shall transcribe such recordings upon request.
 - e. That the public body shall use technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, the Warren County ADA/Section 504 Policy, and corresponding guidelines, and that the term disabilities shall have the same meaning as defined by section 292 of the Executive Law.
 8. That the public body shall provide the opportunity for members of the public to view such 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.
 9. That the requirements for in-person participation by members shall not apply during a state disaster emergency declared by the Governor, or a local state of emergency proclaimed by the chief executive of a county, if the public body determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in-person meeting.

NOW, THEREFORE, BE IT RESOLVED, that this amendment be adopted by this local law and shall be effective immediately upon filing with the Secretary of State and shall sunset July 1, 2024, as set forth by NYS in Chapter 56 of the Laws of 2022, and be it further

RESOLVED, that if any provision of this Local Law or the application of such provision to any

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person, body, or circumstance shall be held invalid, the remainder of this Local Law or the application of such provision to persons, bodies or circumstances, other than those concerning which it shall have been held invalid, shall not be affected or impaired thereby, and be it further

RESOLVED, that following public hearing and upon final adoption of this local law, the Clerk of the Board is directed to forward certified copies of same to Governor Kathy Hochul, Assemblyman Matthew J. Simpson, Senator Daniel G. Stec, the Secretary of State, the New York State Association of Counties, the Warren County Clerk, the Warren County Administrator.