



VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES AGENDA

MEETING DATE: JUNE 28, 2022

AGENDA ITEM SECTION: DISCUSSION AND RESOLUTION ITEMS

AGENDA ITEM NO. : 3

DEPARTMENT: ATTORNEY FOR THE VILLAGE

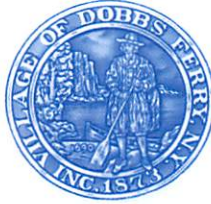
AGENDA ITEM:

DISCUSSION: OPEN MEETINGS LAW RULES AND PROCEDURES

RESOLUTION: TO ADOPT RULES AND PROCEDURES FOR BOARD MEMBERS TO PARTICIPATE AT MEETINGS REMOTELY IN ACCORDANCE WITH OPEN MEETINGS LAW 103-a

ITEM BACKUP DOCUMENTATION:

1. DRAFT RESOLUTION
2. WRITTEN PROCEDURES PURSUANT TO OPEN MEETINGS LAW 103-a FOR REMOTE ATTENDANCE BY MEMBERS AT MEETINGS OF THE VILLAGE'S BOARDS, COMMITTEES AND COMMISSIONS THAT QUALIFY AS "PUBLIC BODIES"



VILLAGE OF DOBBS FERRY
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**RESOLUTION ADOPTING WRITTEN PROCEDURES FOR BOARD MEMBER
USE OF VIDEO-CONFERENCING TO PARTICIPATE AT PUBLIC MEETINGS
PURSUANT TO OPEN MEETINGS LAW SECTION 103-a**

WHEREAS, following adoption of a local law, the recently enacted Chapter 56 of the Laws of 2022 (“Chapter 56”) requires the Village to adopt written procedures to govern the use of videoconferencing as set forth in Open Meetings Law Section 103-a for remote attendance by members at public meetings of the Village’s boards, committees and commissions that qualify as “public bodies”; and

WHEREAS, the Board of Trustees, following consideration and discussion of a draft of proposed written procedures, is now prepared to take action.

BE IT RESOLVED, that, in compliance with Chapter 56 of the Laws of 2022, the Board of Trustees of the Village of Dobbs Ferry hereby adopts written procedures to govern the use of videoconferencing by members of all Village boards, committees and commissions that qualify as “public bodies” pursuant to Open Meetings Law; and

BE IT FURTHER RESOLVED that, the Village Clerk shall post and make available copies of the duly adopted written procedures as required by law.



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Written Procedures Pursuant to Open Meetings Law § 103-a
for Remote Attendance by Members at Meetings of the Village's Boards, Committees and
Commissions That Qualify as "Public Bodies"

In compliance with NYS Public Officers Law, Article 7 ("Open Meetings Law" or "OML") Section 103-a(2)(a), on June 28, 2022, following a duly noticed public hearing and upon action taken by its Board of Trustees adopting a local law, the Village of Dobbs Ferry ("Village") authorized members of its boards, committees and commissions that qualify as "public bodies" under Open Meetings Law (the "Village's Boards") to use videoconferencing for remote attendance at public meetings.

The following procedures are hereby established to satisfy the requirement of OML Section 103-a(2)(b) that any public body which in its discretion wishes to permit its members "under extraordinary circumstances" to participate in meetings by videoconferencing from private locations must establish written procedures governing such attendance.

1. Each member of the Village's Boards ("Member") shall be physically present at any meeting of said board unless such Member is unable to be physically present at one of any designated open meeting locations due to extraordinary circumstances.
2. For purposes of these written procedures, the term "extraordinary circumstances" includes any significant, unexpected or unforeseen circumstance, event or factor which precludes the Member's physical attendance at such meeting, including, but not limited to, disability, illness, caregiving responsibilities, obligations of Member's elected office or place of employment, public emergency, natural disaster, accident, vehicular malfunction or travel delay.
3. If a Member is unable to be physically present at one of any designated open meeting locations and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the Member must notify the applicable Village Board's chairperson and/or the clerk, assistant or secretary to the Village's Board and self-certify the existence of an extraordinary circumstance no later than four (4) business days prior to the scheduled meeting to ensure that OML-compliant notice is provided to the public. If extraordinary circumstances present themselves to a Member on an emergent basis within four (4) days of a meeting, upon receipt of the Member's notification, the Village shall provide for an OML-compliant meeting



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notice as soon as practicable. If the Village is unable to provide an OML-compliant notice of the meeting, the Village may reschedule the meeting.

4. If there is a quorum of the Village's Board participating at a single physical location or at a combination of physical locations, with each location being open to the public, the Village's Board may properly convene a meeting. A Member who is participating from a remote location that is not open to the public shall not count toward a quorum of the Village's Board but may participate and vote if there is a quorum of Members physically present at the location(s) open to the public.
5. Except in the case of executive sessions conducted pursuant to OML Section 105, the Village's Board shall ensure that its Members 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 by any reasonable method, such as verbal introductions or through the use of placards physically placed in front of the Members, and for a Member participating by videoconferencing from private locations due to extraordinary circumstances, such Member must ensure that their full first and last name appears on their videoconferencing screen or on a placard placed conspicuously within view of the camera in front of the Member.
6. The minutes of any meetings of the Village's Boards involving videoconferencing based on extraordinary circumstances pursuant to OML Section 103-a shall include which, if any, Member participated by videoconferencing from a private location due to such extraordinary circumstances.
7. Public notice for any meeting of the Village's Boards shall inform the public: (i) that extraordinary circumstances videoconferencing will (or may) be used, (ii) where the public can view and/or participate in such meeting, (iii) where required documents and records will be posted or made available, and (iv) the physical location(s) for the meeting where the public can attend.
8. Each open portion of any meeting of the Village's Boards conducted using extraordinary circumstances videoconferencing shall be recorded and such recordings shall be posted or linked on the Village website within five business days following the meeting. Such recordings shall remain available for a minimum of five (5) years after posting thereafter. Such recordings shall be transcribed only upon request.
9. If Members are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the Village shall provide the opportunity for members of the public to view such meeting by video, and to participate in proceedings by videoconference in real time where public comment or participation is authorized. The Village shall ensure that where extraordinary circumstances videoconferencing is used, it authorizes the same public participation or testimony as in person participation or testimony.
10. Meetings of the Village's Boards conducted using extraordinary circumstances videoconferencing pursuant to the provisions of OML Section 103-a shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this guideline, "disability" shall have the meaning defined in NYS Executive Law Section 292.
11. The in-person participation requirements of OML Section 103-a(2)(c) shall not apply during any period of state disaster emergency declared by the Governor pursuant to Executive Law Section

[illegible]

28 or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to Section 24 of the Executive Law if the Village determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Village's Boards to hold an in-person meeting.

12. These procedures shall be conspicuously posted on the Village of Dobbs Ferry website at www.DobbsFerry.com

Adopted by Resolution of the Board of Trustees of the Village of Dobbs Ferry at a meeting on _____, 2022

1. The first part of the report deals with the general situation of the country and the position of the various groups of the population. It is a very interesting and informative study of the social and economic conditions of the country.

2. The second part of the report deals with the political situation of the country and the position of the various groups of the population. It is a very interesting and informative study of the political conditions of the country.