



Monroe County Legislature

June 24, 2022

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| No. <u>220222</u> |
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| Committee Assignment |
| AGENDA/CHARTER -L |
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To the Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

Subject: Enact a Local Law Entitled “Hybrid Videoconferencing by County Public Bodies”

Honorable Legislators:

The COVID-19 pandemic led to many changes in the professional workplace, the most common being holding remote or virtual meetings. The capabilities and use of videoconferencing technologies have widely expanded and altered to accommodate both private and public sectors. While using videoconferencing by public bodies during the COVID-19 pandemic was a temporary measure – its usage has become a permanent staple of our time.

New York State has amended its Open Meetings Law to allow for permanent hybrid remote or virtual attendance of public bodies. This Local Law is pursuant to Public Officers Law Section 103-a and will allow Monroe County to follow suit and update its procedures for the 21st century.

Pursuant to Public Officers Law Section 103-a, this Local Law will permit hybrid meeting attendance, requiring a quorum of members of the County Public Body to be gathered together at physical locations open to the public. Members shall be physically present at any such meeting unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances, as outlined in the resolution, including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.

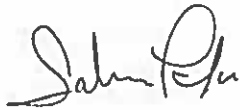
The specific legislative action required is to:

1. Schedule and hold a public hearing.
2. Adopt the local law as attached.

The legislative action requested in this referral is not an "Action" as that term is defined in Article 6 NYCRR.2(b) and is not subject to the State Environmental Quality Review Act.

This action would have no impact on the current Monroe County budget.

Sincerely,



Sabrina LaMar
Monroe County Legislature
President



Steve Brew
Monroe County Legislature
Majority Leader



Yversha Roman
Monroe County Legislature
Minority Leader

By Legislators _____ and _____

Intro No. ____

LOCAL LAW NO. __ OF 2022

ENACT A LOCAL LAW ENTITLED “HYBRID VIDEOCONFERENCING BY COUNTY PUBLIC BODIES”

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. This local law shall be known as the “Hybrid Videoconferencing by County Public Bodies” and shall read as follows:

§ 1 Definitions. Defined terms used in this local law shall have the same meaning as ascribed to them in Article 7 of the Public Officers Law, except as set forth below:

- A. “County Public Body” shall mean the Monroe County Legislature, its committees, and subcommittees, together with any and all administrative boards, commissions, agencies, or entities created by or for Monroe County which consist of two or more members and for which a quorum is required in order to conduct public business.
- B. “Extraordinary Circumstances” shall be determined by each County Public Body in its written procedures. Such circumstances may include, but are not necessary limited to, disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.

§ 2 Use of Videoconferencing by County Public Bodies. Members of a County Public Body are hereby permitted to participate in public meetings remotely by videoconference from a location not open to the public upon the following conditions:

- A. A quorum of members of the County Public Body are gathered together at a physical location or locations otherwise open to the public;
- B. The County Public Body has established written procedures governing member and public attendance consistent with Public Officers Law § 103-a, and such written procedures are conspicuously posted on the County website;
- C. Members of the County Public Body are physically present at any such meeting unless such member is unable to be physically present at any such meeting location due to Extraordinary Circumstances;
- D. Except in the case of executive sessions conducted pursuant to Public Officers Law § 105, the County Public Body ensures that members of the County 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;

- E. The minutes of the meetings involving videoconferencing state which, if any, members participated remotely and are available to the public pursuant to Public Officers Law § 106;
- F. If videoconferencing is used to conduct a meeting, the public notice for the meeting informs the public that videoconferencing will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or available, and identifies the physical location for the meeting where the public can attend;
- G. The County Public Body provides that each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the public website of the public body within five business days following the meeting, and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request;
- H. If videoconferencing is used to conduct a meeting, the County Public Body provides the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized and ensures that videoconferencing authorizes the same public participation or testimony as in person participation or testimony;
- I. A County Public Body electing to utilize videoconferencing to conduct its meetings maintains an official website; and
- J. Open meetings of the County Public Body that are broadcast or that use videoconferencing utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act, as amended.

§ 3 Public Emergencies. The in-person participation requirements of Section 2(A) and (C) of this Local Law shall not apply during a state disaster emergency declared by the Governor pursuant to New York State Executive Law § 28 nor a local state of emergency proclaimed by the County Executive pursuant to New York State Executive Law § 24 if the chair of the County Public Body determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the County Public Body to hold an in-person meeting.

Section 2. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 3. This local law shall take effect in accordance with the provisions of the Municipal Home Rule Law and the Monroe County Charter.

_____ Committee; _____, 2022 - CV:
File No. 22-____.LL

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF LOCAL LAW: _____