

# VIDEOCONFERENCING POLICY OF AUBURN INDUSTRIAL DEVELOPMENT AUTHORITY

Adopted: July 17, 2024

## A. Purpose

To establish guidelines and requirements for the use of videoconferencing technology to participate in the meetings held by Auburn Industrial Development Authority (the “**Authority**”) in accordance with Section 103-a of the New York State Open Meetings Law.

## B. Background

New York State suspended certain requirements of the Open Meetings Law to permit public bodies to meet and conduct business via videoconferencing platforms and to prohibit in-person attendance during the 2020-2022 COVID Pandemic/State of Emergency. In April of 2022, Chapter 56 of the Laws of 2022, added Public Officers Law § 103-a allowing a municipality's public bodies to have the option of continuing to use videoconferencing under certain circumstances if the board of that public body adopts a local law authorizing the participation by videoconference, as well as written policies establishing guidelines and conditions for attendance of members at public meetings by videoconference. As the Authority is required to conform to Open Meetings requirements, this policy is in conformance with Public Officers Law § 103-a.

## C. Certain Definitions

“**Extraordinary Circumstances**” events or factors that would preclude a member's physical attendance at the meeting, e.g.: disability, illness or significant health concerns requiring precautionary actions, caregiving responsibilities, other unexpected factors or events, and events when a member is out of town for a short duration.

“**Meeting**” The official convening of the board of the Authority for the purpose of conducting public business, including the use of videoconferencing for attendance and participation by the members of the Authority’s board.

## D. Policy

1. Members of the Authority’s board are permitted to attend and participate using videoconferencing from a remote location that is not open to in-person physical attendance by the public if (a) a Quorum of the board is present, in person, in one or more advertised location(s) where the public may attend, and (b) they are experiencing Extraordinary Circumstances. A member participating pursuant to this section may not be counted toward quorum but may participate and vote if there is a quorum of members at the physical location(s) open to the public.

2. Members of the Authority’s board are permitted to attend and participate using videoconferencing from remote locations in all other circumstances if those locations are open to in-person physical attendance by the public. A member participating pursuant to this section may be counted toward a quorum.

3. Requirements applicable to all meetings where videoconferencing is used:

(a) Public notice of the meeting shall include the physical location(s) where the public  
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can attend and/or participate in person, the fact that videoconferencing will be used, where the public can view and/or participate in-person or through videoconferencing, and where any required documents or materials associated with the meeting are posted or available. Such public notice shall, in addition to other requirements of state law, be posted on the Authority's website.

(b) All members of the Authority's board must use video capabilities permitting the public to see, hear and identify them throughout those portions of the meeting that the Open Meetings Law requires to be held in open session, with limited allowance for customary temporary absences from a meeting for personal reasons.

(c) Where public comment or participation is authorized, the public must be allowed to participate by videoconference in real time in a manner that affords the same public participation or testimony as in-person participation or testimony.

(d) The minutes of all meetings must indicate who participated using videoconferencing.

(e) Each meeting must be recorded and such recording must be posted or linked on the Authority's website within five (5) business days of the meeting and such recording must remain posted or linked for no less than five (5) years.

#### 4. Additional requirements.

(a) Non-public committees and bodies that are not required to have public meetings under the Open Meetings Law, such as advisory committees, may participate in meetings by videoconferencing or by any lawful means, and need not follow this policy. However, it is recommended that this policy guide such advisory or non-covered bodies and that, at a minimum, they adopt internal policies and procedures to assure fairness, openness, and public engagement.

(b) The Authority and agencies need not follow this policy for non-public meetings and hearings, such as for training sessions.

(c) This Policy must be posted on the Authority's website.

### **E. State of Emergency**

As provided for in the New York State legislation described in Section B, if a local state of emergency is declared or a NYS disaster emergency declaration is made, all public bodies may meet virtually without the need for a quorum in one or more location(s) at which the public may attend, if the Authority's board determines that the circumstances necessitating the state of emergency or disaster emergency declaration would affect or impair the ability of the Authority's board to hold an in-person meeting. If the Authority's board makes such a determination, all requirements of this Policy, except the in-person member participation requirement, must continue to be met while the state of emergency or disaster emergency declaration remains in effect.

### **F. Amendments**

This Policy may be amended from time-to-time by resolution a resolution of the Authority's board. In the event any change in law, or change in the interpretation or application of law, is or becomes inconsistent with this policy, the proper application of law shall supersede the terms and requirements herein, and the Authority's board will amend this policy to bring it into congruence or alignment {H5230720.1}

with current law.

**G. Effective and Termination Dates**

This Policy shall take effect upon its adoption by the Authority and shall automatically terminate if the New York State legislation described in Section B expires.