

DRAFT

WHEREAS, Section 103-a of the Open Meetings Law, as enacted by Part WW of Chapter 56 of the Laws of 2022, permits public bodies such as the Hudson River Drinking Water Intermunicipal Council (“Hudson 7”) to authorize their members to attend meetings by videoconference from locations that are not open to the public (“private locations”), when necessitated by “extraordinary circumstances;” and

WHEREAS, Section 103-a(2)(c) specifically requires that members be physically present at any such meeting at a location that is open to the public “unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances . . . including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting;” and

WHEREAS, Section 103-a(2) allows for hybrid meetings by requiring “that a minimum number of members are present to fulfill the public body’s quorum requirement in the same physical location or locations where the public can attend;” and

WHEREAS, Section 103-a(2)(d) provides that any members attending by videoconference from a private location must, except during executive session, 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;” and

WHEREAS, Section 103-a(2)(g) requires that if a member attends by videoconference from a private location, the open portion of such meeting must be recorded, posted to the public body’s webpage within five business days, and transcribed upon request; and

WHEREAS, Section 103-a(2)(h) provides that when a member attends by videoconference from a private location, members of the public shall be permitted to attend and participate, if authorized, in the meeting by videoconference; and

WHEREAS, under section 103-a(2)(a), a public body must adopt a resolution after a public hearing in order to authorize videoconferencing from a private location as provided therein; and

WHEREAS, the hearing so required was conducted on July 21, 2022 and the report thereon has been received and considered by the Hudson 7; now, therefore, be it

RESOLVED, that the Hudson 7 hereby determines that under extraordinary circumstances, as described above and further defined by any written procedures later adopted, a member may attend meetings by videoconference from a private location to the extent authorized by section 103-a, and subject to the conditions specified therein, provided that:

Resolution # 1

- (i) the number of members physically present at one or more locations open to the public constitutes a quorum; and
- (ii) while the open portion of the meeting is being conducted, it must be possible to see, hear and identify any member who is attending by videoconference from a location not open to the public; and be it further

RESOLVED, that in accordance with section 103-a of the Public Officers Law, the Hudson 7 hereby adopts the annexed written procedures to further govern the ability of its members to attend meetings by videoconference from private locations under extraordinary circumstances.