

By Legislators Johns and Brew

Intro No. 213

LOCAL LAW NO. 4 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 necessarily 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.

Agenda/Charter Committee; June 27, 2022 - CV: 5-0
File No. 22-0222.LL

ADOPTION: Date: August 9, 2022 Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE:  DATE: 9/8/2022

EFFECTIVE DATE OF LOCAL LAW: 9/8/2022