

**PROCEDURES FOR UTILIZING
VILLAGE OF LANSING VIDEOCONFERENCING LAW
Pursuant to Village of Lansing Code §49-5 (a)
and New York State Public Officer's Law §103-a.**

1. The Members of the public body 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 which include:
 - a. disability,
 - b. illness,
 - c. caregiving responsibilities, or
 - d. any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting.
2. Members of a public body do not have a right to attend meetings remotely but may participate remotely via videoconference only at the discretion of said public body.
3. These procedures shall be posted conspicuously on the Village of Lansing website.
4. These procedures may be modified by resolution of the Village of Lansing Board of Trustees.

An explanation of New York State Public Officer's Law §103-a and its requirements is included on the second page of this document. Village of Lansing Code §49-5 (a) is modeled after, and conforms with Public Officer's Law §103-a.

The New Videoconference Procedure

As of April 9, 2022, the previous videoconferencing provisions found in Public Officers Law § 103(c) are removed, and public bodies wishing to conduct meetings via videoconference must comply with the new requirements of Public Officers Law § 103-a.

Specifically, Public Officers Law § 103-a(2) authorizes public bodies to conduct meetings using videoconference technology so long as a **quorum of the public body is physically present at one or more of the locations where the public can also attend in person**. This requirement can be satisfied, for example, if three members of a five- member public body are physically present in the municipal hall and the public is allowed to attend at that location or if three members of a five-member public body are participating via videoconference but from three different locations and the public is allowed to be physically present at each of those locations.

Additionally, the law requires public bodies comply with the following in order to conduct any meeting via videoconference:

1. The local government must adopt a local law or an individual public body must adopt a resolution after a public hearing authorizing the use of videoconferencing a. For itself and its committees or subcommittees or b. Specifying that each committee or subcommittee may make its own determination.
2. The public body must (a) adopt written procedures governing member and public attendance consistent with Public Officers Law § 103-a and (b) conspicuously post those written procedures on the public body's website.
3. Members of the public body must be physically present at one of the meeting locations at which the public can attend in person **unless the member is unable to be physically present due to extraordinary circumstances, as set forth in the public body's adopted meeting procedures, which include disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting**. Members of a public body do not have a right to attend meetings remotely but may participate remotely via videoconference only at the discretion of the public body.
4. Except in the case of executive sessions conducted pursuant to Public Officers Law § 105, the public body must ensure that members of the 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.
5. The minutes of meetings involving videoconferencing must include which, if any, members participated remotely and must be made available to the public pursuant to Public Officers Law § 106.
6. The public notice for the meeting must (i) inform the public (a) that videoconferencing will be used, (b) where they can view and/or participate in such meeting, and (c) where required documents and records will be posted or available, and (ii) identify the physical location(s) where members of the public body will be participating in the meeting and where the public can attend the meeting in person.

7. The public body must record each meeting that uses videoconferencing and such recordings must be posted or linked to on the public body's website within five business days of the meeting. The recordings must remain available for a minimum of five years thereafter, and recordings must be transcribed upon request.
8. The public body must provide the opportunity for members of the public to view the meeting via video. Additionally, at meetings where public comment or participation is authorized, members of the public must be able to participate in the proceedings via videoconference in real time. The public body must ensure that the videoconferencing provides the same opportunities for public participation or testimony as in-person participation or testimony.
9. A local public body electing to utilize videoconferencing to conduct its meetings must maintain an official website.

If a public body broadcasts its meetings or conducts its meetings via videoconference, it must use technology that permits members of the public with disabilities to access the video in a manner consistent with the 1990 Americans with Disabilities Act (ADA). Information on how meetings can be made accessible to attendees with disabilities can be found online at www.section508.gov/create/accessible-meetings/. In addition, local officials should consult with their municipal attorney to ensure compliance with this requirement. In summary, the Open Meeting Law's new videoconference provisions allow a member of a public body to participate in a meeting of a public body without allowing members of the public to be physically present at the location from which they are participating in the meeting if (a) extraordinary circumstances exists such as disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting, and (b) at least a quorum of the public body are participating in the meeting from a location or locations at which members of the public may physically attend in person. Note that the public notice for the meeting must inform the public that videoconference will be used at the meeting. In addition, Public Officers Law § 103-a continues to prohibit meetings from being conducted using only teleconferencing technologies.

Expiration of Videoconference and Emergency Meetings Provisions

The videoconference and emergency meeting provisions of Part WW of Chapter 56 of the Laws of 2022, as described above, took effect on April 9, 2022, and have since been extended by New York State. The provisions will expire as indicated in NYS Open Meetings Law, Public Officers Law, Article 7, §103-a. Videoconferencing by public bodies.

[see <https://opengovernment.ny.gov/system/files/documents/2024/06/oml-text-05052023.pdf>]