

# Board of Supervisors

Lyons, New York 14489

## **RESOLUTION 424-22: ADOPTION OF PROPOSED LOCAL LAW FOR THE EXPANSION OF VIDEOCONFERENCING FOR PUBLIC MEETINGS WITHIN THE COUNTY OF WAYNE**

Mr. Lasher presented the following:

WHEREAS, a proposed local law for the expansion of videoconferencing for public meetings within the County of Wayne was presented to the Board of Supervisors on June 21, 2022 and

WHEREAS, a public hearing on the proposed local law was held on July 19, 2022 at 9:10 a.m. in accordance with the notice of hearing duly posted and published in the manner prescribed by law; now, therefore be it

RESOLVED, that said local law is hereby adopted to read as follows:

### **COUNTY OF WAYNE – STATE OF NEW YORK LOCAL LAW NO. 4-2022**

A local law to allow for expansion of the use of videoconferencing, under extraordinary circumstances, to conduct open meetings within the County of Wayne.

BE ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE, as follows:

#### SECTION 1. PURPOSE

The Board of supervisors intends by this local law to allow for the expansion of the use of videoconferencing, under extraordinary circumstances, to conduct open meetings.

#### SECTION 2. CONDITIONS

- (a) All meetings shall be conducted by videoconferencing, not audio-only, such that members of the Board of Supervisors and Committee members can be heard, seen and identified.
- (b) The Board must meet in person at a physical location that is open to the public with a minimum amount of members present to fulfil the quorum requirement.
- (c) Members of the Board of Supervisors may attend meetings virtually due to extraordinary circumstances.
- (d) Extraordinary Circumstances shall be defined as: disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which impedes the member's physical attendance at such meeting.
- (e) Members shall provide notice of their inability to attend a meeting to the Board Clerk's Office at least 24 hours prior to the meeting or as soon as reasonably able.
- (f) The meeting minutes must identify which, if any, members of the Board of Supervisors are participating remotely.
- (g) The Chair of the Board shall retain discretion over permitted extraordinary circumstances for the Board and for Standing Committees when that Chair is unavailable.
- (h) The Standing Committee Chairs, when available, shall retain discretion over permitted extraordinary circumstances for their Committee.
- (i) It is understood that members permitted to attend at a location that does not allow for in-person physical attendance by the public, will not count toward a quorum. Only members present at a physical location which allows for in-person attendance by the public will count toward a quorum. However, those attending virtually may participate and vote.
- (j) Any members of the public attending a meeting must be able to hear, see and identify any member of the public body who is attending remotely while the meeting is being conducted.
- (k) If videoconferencing is used to conduct a meeting, the public notice shall inform the public where they can view and/or participate in such meeting, where required documents and records will be posted or available, and identify the physical location for the meeting where the public can attend.
- (l) Meetings conducted using videoconferencing shall be recorded and those recordings shall be posted or linked within 5 business days of the meeting and maintained for 5 years thereafter. Recordings shall be transcribed upon request.
- (m) Members of the public will be allowed to view by video and participate in proceedings by videoconference in real-time, where public comment or participation is authorized and

- videoconferencing shall allow the same public participation or testimony as in person participation or testimony.
- (n) Open meetings using videoconferencing shall use technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act.
  - (o) The Wayne County Board of Supervisors may hold fully remote meetings, and in person participation requirements of the Law shall not apply, during: a state disaster emergency declared by the governor pursuant to Section 28 of the Executive Law, or local state of emergency proclaimed by the Chairman of the Board pursuant to Section 24 of the Executive Law, if it is determined by the Chairman that the circumstances necessitating the emergency declaration would affect or impair the ability of the Board to hold an in person meeting.
  - (p) These written procedures shall be conspicuously posted on the County's website.

**SECTION 3. EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the Secretary of State.

**SECTION 4. SEVERABILITY**

If any clause, sentence, paragraph, subdivision, section or part of this Local 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 of 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 Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstances directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 5. EXPIRATION**

This local law shall be effective until July 1, 2024 as set forth by New York State, Chapter 56 of the Laws of 2022.

Mrs. Bender moved the adoption of the resolution. Seconded by Mrs. Leonard. Upon roll call, adopted.



**This is to Certify** that I, the undersigned, Clerk of the Board of Supervisors of the County of Wayne, have compared the foregoing copy of the resolution with the original resolution now on file in this office and which was duly adopted by the Board of Supervisors of said County at a session held on the 8<sup>th</sup> day of August, 2022 and that the same is a true copy of said original and of the whole thereof.

**In Witness Whereof**, I have hereunto subscribed my name and affixed the official seal of the Board of Supervisors of the County of Wayne, this 8<sup>th</sup> day of August, 2022.

Kelley P. Loveless, Clerk of the Board  
Wayne County Board of Supervisors