

LOCAL LAW INTRO. NO. - 2022

A LOCAL LAW authorizing the use of videoconferencing for members of public bodies of the County's executive branch.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Chapter 110 of the Laws of Westchester County is hereby amended to read as follows:

Sec. 110.61. Authorization for the use of videoconferencing to conduct meetings.

1. All public bodies of the County, including boards and commissions whose members are appointed by the County Executive, their committees, and their subcommittees (hereafter, the "executive branch public bodies"), and excluding the County Board of Legislators and its committees and subcommittees, are authorized to use videoconferencing to conduct meetings in a manner consistent with the requirements set forth in New York State Public Officers Law §103-a, and subject to the following conditions:
 - a. A quorum of the subject executive branch public body shall be physically present in the same physical location or locations where the public can attend;
 - b. Members of executive branch public bodies, at the respective Chair's discretion and under extraordinary circumstances, may participate in meetings through the use of videoconferencing from locations not accessible to the public. Each executive branch public body shall establish written procedures governing member and public attendance, and setting forth what constitutes "extraordinary circumstances" (which shall include disability, illness, caregiving responsibilities, or any other

significant or unexpected factor or event which precludes the member's physical attendance at a meeting), and the procedures for the certification of extraordinary circumstances by members on a case-by-case basis. The written procedures shall be conspicuously posted on the public website of each executive branch public body as applicable;

- c. A member of an executive branch public body experiencing an extraordinary circumstance and participating in a meeting through videoconferencing need not (i) notice the remote location from which the member participates or (ii) allow for in-person physical attendance by the public at the member's remote location;
- d. Any member of an executive branch public body not physically present at a meeting and participating remotely in a meeting through the use of videoconferencing due to extraordinary circumstances shall not count towards a quorum; however, such member may participate and vote through the use of videoconferencing if there is a quorum of other members physically present at the meeting in the same physical location or locations where the public can attend;
- e. Except in the case of executive sessions, all members of an executive branch public body, including any member experiencing an extraordinary circumstance and participating in a meeting through videoconferencing, must be heard, seen, and identified while the meeting is being conducted;
- f. The minutes of meetings involving videoconferencing must include which, if any, members of an executive branch public body participated remotely;
- g. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall (i) inform the public (A) that videoconferencing will be used, (B) where the

public can view and/or participate in the meeting, (C) where required documents and records will be posted or available, and (ii) identify the physical location for the meeting where the public can attend;

h. Meetings conducted using videoconferencing shall be recorded and the recording shall be posted on or linked to the public website of the subject executive branch public body within five (5) business days following the meeting, and shall remain so available for a minimum of five (5) years thereafter. These recordings must be transcribed upon request;

i. If videoconferencing is used to conduct a meeting, the subject executive branch public body shall provide the public with the opportunity to view the meeting through video and participate, to the extent public participation is authorized, through videoconferencing in real time, and shall ensure that videoconferencing authorizes the same public participation or testimony as in-person participation or testimony.

2. Severability. If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 2. Effective Date.

This Local Law shall take effect immediately or on June 9, 2022, whichever is later, and shall expire and be deemed repealed July 1, 2024, unless extended.