

**LOCAL LAW INTRO. NO. - 2022**

A LOCAL LAW authorizing the use of videoconferencing for members of the County Board, its committees, and its subcommittees.

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

**Section 1.** Chapter 107 of the Laws of Westchester County is hereby amended to read as follows:

**Sec. 107.101. Authorization for the use of videoconferencing to conduct meetings.**

1. The County Board, its committees, and its 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, Article 7, §103-a, and subject to the following conditions:
  - a. A quorum of the County Board, committee, or subcommittee shall be physically present in the same physical location or locations where the public can attend;
  - b. Members of the County Board, its committees, and its subcommittees, at the discretion of the Chair of the County Board and under extraordinary circumstances, may participate in meetings through the use of videoconferencing from locations not accessible to the public. The County Board 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 the County Board, committee, or subcommittee, as applicable;

- c. A member 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 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, a 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, 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 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 County Board, or of the relevant committee or subcommittee, 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 County Board, committee, or subcommittee, as applicable, 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.
  - j. In person participation requirements for members shall not apply during a state disaster emergency declared by the Governor of New York, or a local state of emergency proclaimed by the Westchester County Executive, if the County Board determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the County Board or its committees to hold in person meetings.
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 and shall expire and be deemed repealed July 1, 2024, unless extended.

SCM-05/11/2022