

POLICY AND PROCEDURES FOR TOWN OF HAMILTON PUBLIC BODY MEMBER VIDEOCONFERENCING PURSUANT TO PUBLIC OFFICERS LAW § 103-a

**Adopted by the
TOWN OF HAMILTON**

In compliance with Public Officers Law § 103-a(2)(a), the Town of Hamilton, following a public hearing, authorized by local law adopted August 11, 2022 the use of videoconferencing as described in Public Officers Law § 103-a.

Pursuant to the Public Officers Law § 103-a(2)(b), the Town Board adopts these Procedures Governing Public Body Member and Public Attendance at Meetings Conducted by use of Videoconferencing (the Procedures). These Procedures shall apply to all public meetings of Town of Hamilton public bodies, as that term is defined in Public Officers Law § 102, conducted by use of videoconferencing and to all public meetings of any committee or subcommittee of the public bodies of the Town of Hamilton now existing or hereafter established conducted by use of videoconferencing. When applying these Procedures to meetings of a public body of the Town of Hamilton or a committee or subcommittee of a public body of the Town of Hamilton, references to the “Town” shall be deemed as a reference to such a public body or committee or subcommittee.

1. Each member of the Town shall be physically present at any meeting of the Town unless such member is unable to be physically present at one of the designated public meeting locations due to extraordinary circumstances, as defined herein.

2. Extraordinary circumstances shall include:
- a. Disability;
 - b. Illness;
 - c. Caregiving responsibilities; and
 - d. Any other significant or unexpected factor or event which precludes such member’s physical attendance at such meeting.

3. If a member is unable to be physically present at one of the designated public meeting locations and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the member must notify the Town Clerk no later than four business days prior to the scheduled meeting in order for proper notice to the public to be given. If extraordinary circumstances present themselves on an emergent basis within four days of a meeting, the Town shall update its notice as soon as practicable to include that information. If it is not practicable for the Town to update its notice, the Town may reschedule its meeting.

4. Notwithstanding the provisions in these Procedures that permit members to attend a meeting via videoconference from a location that is not open to the public, the Town shall not be permitted to conduct a meeting unless the number of members physically present at location(s) where the public can attend is at least equal to the minimum number of members necessary to fulfill the Board’s quorum requirement. If such quorum requirement is satisfied, the members physically present at location(s) where the public can attend and the member(s)

attending the meeting via videoconference from location(s) not open to the public may participate in the meeting and vote at the meeting. (A member who is participating from a remote location that is not open to in-person physical attendance by the public shall not count toward a quorum of the Town but may participate and vote if there is a quorum of members at a physical location(s) open to the public.)

5. If videoconferencing is used to conduct a meeting, then, except in the case of executive sessions, the Town shall ensure that each member participating in the meeting, whether at a location where the public can attend or from a remote location that is not open to the public, 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. Members participating from a remote location shall ensure that their visual and audio connections are operational and shall (1) identify their full name on the videoconferencing software so that it appears on the screen or (2) have a name plate with their full name that appears on the screen. Notwithstanding any other provision of these Procedures to the contrary, a member who is otherwise qualified to participate in a meeting from a remote location that is not open to the public shall not be permitted to participate in the meeting from such remote location if such member's visual and audio connections are not operational and/or do not permit such member to be heard, seen, and identified, while the meeting is being conducted.

6. If videoconferencing is used to conduct a meeting, the minutes of the meeting shall identify which, if any, member(s) participated remotely and shall be available to the public pursuant to Section 106 of the Public Officers Law.

7. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used; shall specify where the public can view the meeting (and, when public participation in the meeting is authorized, shall specify where the public can view and/or participate in the meeting); shall specify where required documents and records will be posted or available; shall identify the physical location(s) for the meeting where the public can attend; and shall otherwise comply with all applicable requirements of the Open Meetings Law.

8. If videoconferencing is used to conduct a meeting, the meeting shall be recorded, the recording of the meeting shall be posted or linked on the public website of the Town of Hamilton within five business days following the meeting, and such recording shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.

9. If videoconferencing is used to conduct a meeting, the public may attend the meeting at any location that is open to the public and, in addition, the Town shall (1) provide the opportunity for members of the public to view such meeting via video, and (2) when public comment or participation is authorized, shall provide the opportunity for members of the public to participate in proceedings via videoconference in real time and shall ensure that videoconferencing authorizes the same public participation or testimony as in person participation or testimony.

10. Open meeting of the Town conducted using videoconferencing shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this guideline, “disability,” shall have the meaning defined in Executive Law § 292.

11. The in-person participation requirements of Public Officers Law § 103-a(2)(c) shall not apply during a State disaster emergency declared by the governor pursuant to Executive Law § 28 or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to Executive Law § 24 if the Town determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Town to hold an in-person meeting.

12. These procedures shall be conspicuously posted on the Town website.