

**Proposed
City of Hudson
Local Law __ of the year 2022**

A LOCAL LAW AMENDING ARTICLE XXXIV OF THE CITY CHARTER OF THE CITY OF HUDSON

SECTION 1. TITLE This Local Law shall be known as Local Law No. ___ of 2022.

SECTION 2. AUTHORITY This local law is enacted by the Common Council of the City of Hudson pursuant to its authority to adopt local laws under Article IX of the New York State Constitution, the Municipal Home Rule Law, and is further authorized and enacted pursuant to Chapter 56 of the Laws of 2022 of New York, which amends the New York Open Meetings Law.

SECTION 3. PURPOSE AND FINDINGS

Section 103-a of the New York Public Officers Law allows expanded use of video-conferencing in circumstances where there are “extraordinary circumstances,” as opposed to a state of emergency. The Open Meetings Law (Public Officers Law Art. 7) authorizes remote participation in meetings by members of a public body only if “an opportunity for the public to attend, listen and observe at any site at which a member participates” is provided. The circumstances of the COVID-19 pandemic demonstrated the impracticality of in-person meetings.

As part of budget bills for fiscal year 2022-2023, the State legislature passed a new law adding a new section 103-a to the Open Meetings Law, entitled “Videoconferencing by public bodies.” Under that law, “A public body may, in its discretion, use videoconferencing to conduct its meetings...” once “the governing board of [the] [City]...has adopted a local law...following a public hearing, authorizing the use of video conferencing for itself and its committees or subcommittees.” NY Public Officers Law § 103- a (2)(a)(i). Before they may conduct meetings by videoconference in accordance with Section 103-a or this local law, public bodies must “establish written procedures governing member and public attendance consistent with this section, and such written procedures shall be conspicuously posted on the public website of the public body.” NY Public Officers Law § 103-a (2)(b). With approval of a local law from the Common Council, members of all City of Hudson public boards and bodies will be allowed to participate in meetings by videoconference, using remote access technology, but only when: 1) a quorum of members are present in the physical location of the meeting, and 2) the member(s) seeking to participate remotely satisfy one of the “extraordinary circumstances” that prevent physical presence.

SECTION 4. ENACTMENT The Common Council hereby enacts this local law amending Article XXXIV Section 34-12 of the City Charter of the City of Hudson as follows:

A. Section 34-12 shall be deleted and replaced with the following:

§ 34-12 Meetings of Boards, Commissions, and Public Bodies.

- A. Boards and Commissions to Hold Regular Monthly Meetings. Each board and commission created or continued under the provisions of this Charter shall hold regular meetings at least once in each month. The time of such meetings shall be fixed by each board or commission by resolution and a copy of such resolution shall be filed in the office of the city clerk.
- B. Authorization of Meetings by Videoconferencing. All public bodies, boards, and committees of the City of Hudson are authorized to use videoconferencing technology to conduct their meetings in accordance with the provisions of Section 103-a of the NY Public Officers Law, subject to the following conditions:
- (1) A minimum number of members of the public body sufficient to fulfill the public body's quorum requirement must be present in the same physical location where the public can attend;
 - (2) All members of the public body shall be physically present at any meeting of the public body unless a member is unable to be physically present due to extraordinary circumstances, including, but not limited to: disability; illness; quarantine order; the death of an immediate family member where such term is defined to include a spouse, parent, sibling, child, domestic partner, or individual for whom the member is the designated guardian; caregiving responsibilities for an immediate family member, or any other significant or unexpected factor that may preclude physical attendance.
 - (3) A member who wishes to participate in a meeting by videoconference must provide advance notice and justification for their absence to the extent possible to the appointed leadership of the public body. For purposes of the Common Council, such notice shall be provided to the Council President, or in the Council President's absence, to the Deputy Council President. In the case of a public committee, the Planning Board or the Zoning Board of Appeals, notice shall be provided to the Chair or his/her designee when the Chair is unavailable.
 - (4) The leadership of a public body may require any member requesting to participate in a meeting by videoconference to provide documentation, to the extent possible, supporting such request and may publicly confirm that such documentation was received without publicly stating the contents of such documentation.
 - (5) Except in the case of executive sessions, the public body shall ensure that members who are participating remotely can be heard, seen, and identified at all times when the meeting is being conducted.

- (6) The minutes of meetings involving videoconferencing shall state which members, if any, participated by videoconference, and shall be available to the public.
- (7) If videoconferencing is being used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, where the public 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.
- (8) If videoconferencing is used to conduct a meeting, the public body shall provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized and shall ensure that videoconferencing authorizes the same public participation as in person participation.
- (9) Any and all videoconferencing technology used for public meetings shall be made accessible to members of the body and the public with disabilities in accordance with the Americans with Disabilities Act of 1990, as amended.
- (10) Nothing herein shall prohibit the Common Council or any other board or body of the City of Hudson from holding meetings entirely by videoconference, with no in-person requirement, during a state of emergency declared by the Governor of New York pursuant to Executive Law § 28, by the Columbia County Executive, or the City, if such public body determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in-person meeting.

C. The written procedures set forth in subsection (B) of this Chapter governing member attendance by videoconference at meetings of public bodies, together with any supplemental, but not contrary, written procedures that public bodies may adopt on the subject of videoconferencing, shall be conspicuously posted on the City's website.

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. VALIDITY.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part or parts.

SECTION 7. REPEAL OF OTHER LAWS.

All local laws in conflict with provisions of this local law are hereby superseded.

Introduced by _____

Approved _____

Seconded by _____

By _____

Mayor