

**VILLAGE OF HASTINGS-ON-HUDSON  
BOARD OF TRUSTEES**

**PROPOSED LOCAL LAW G OF 2022**

**A LOCAL LAW AMENDING THE HASTINGS-ON-HUDSON VILLAGE CODE TO  
ADD NEW CHAPTER 76 TO PERMIT AND SET FORTH PROCEDURES FOR  
VIDEOCONFERENCING BY A PUBLIC BODY**

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

**Section One.** There is hereby added to the Code of the Village of Hastings-on-Hudson a new Chapter 76 Videoconferencing by Public Bodies to be read as follows:

Chapter 76 Videoconferencing by Public Bodies

**§ 76-1 Purpose.**

- A. The purpose of this Chapter is to enable members of Village of Hastings-on-Hudson public bodies who are unable to be physically present at a meeting location due to extraordinary circumstances to remotely participate in the meeting in accordance with the amendments to the New York Open Meetings Law §103-a as amended April 9, 2022. The Board of Trustees of the Village of Hastings-on-Hudson believes that providing the opportunity to conduct open meetings of the Village's public bodies via videoconferencing under extraordinary circumstances is appropriate and hereby adopts § 103-a for all Village public bodies as more fully set forth herein.
- B. This Chapter is being adopted to set forth written procedures governing meetings by videoconference consistent with Open Meetings Law §103-a.

**§ 76-2 Definitions.**

As used in this chapter, terms shall be defined as set forth in Section 102, Definitions, of the New York Open Meetings Law, Article 7 of the Public Officers Law.

**§ 76-3 Use of videoconferencing permitted.**

A public body of the Village of Hastings-on-Hudson may, in its discretion, use videoconferencing to conduct its meetings pursuant to the requirements of this Chapter provided that a quorum of the public body is physically present at one or more of the locations where the public can also attend in person.

**§ 76-4 Remote attendance by members of a public body.**

- A. Each public body, including committees and subcommittees thereof, may make its own determination whether to use videoconferencing to conduct its meetings. In order to hold meetings by videoconference, a public body must establish written procedures

governing member and public attendance, and such procedures shall be conspicuously posted on the public body's website.

- B. Where a public body has determined to use videoconferencing to conduct its public meetings pursuant to this Chapter, members of the public body shall be physically present at such meetings unless the member is unable to be physically present due to extraordinary circumstances, which shall include disability, illness, caregiving responsibilities or any other significant or unexpected factor or event which precludes the member's attendance at such meeting and which is accepted by the public body as set forth in its written procedures.

#### **§ 76-5 Procedural requirements for videoconferencing.**

The following requirements shall govern the use of videoconferencing by all public bodies within the Village of Hastings-on-Hudson:

- A. Except in the case of executive sessions, the public body shall ensure that members of the public body 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.
- B. The minutes of meetings involving videoconferencing must include which, if any, members participated remotely and must be made available to the public pursuant to New York Public Officers Law § 106.
- C. The public notice for any meeting to be conducted by videoconferencing shall:
  - 1. Inform the public
    - i. That videoconferencing will be used,
    - ii. Where the public can view and/or participate in such meeting, and
    - iii. Where required documents and records will be posted or made available, and
  - 2. Identify the physical location(s) where members of the public body will be participating in the meeting and where the public can attend the meeting in person.
- D. Each meeting conducted using videoconferencing shall be recorded by the public body and such recordings shall be posted or linked on the public website of the public body within five (5) business days following the meeting. The recordings shall remain available for a minimum of five years thereafter, and such recordings shall be transcribed upon request.
- E. 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. In meetings where public comment or participation is authorized, the public body shall ensure that videoconferencing authorizes the same opportunities for public participation or testimony as in person participation or testimony.

#### **§ 76-7 Declaration of emergency.**

The in-person participation requirements of Section 76-3 of this Chapter shall not apply during a state disaster emergency declared by the Governor pursuant to § 28 of the Executive Law, or a local state of emergency proclaimed by the Village Manager of the Village of Hastings-on-Hudson or his/her designee pursuant to § 24 of the Executive Law, if the 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.

### **Section Two. Severability**

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

### **Section Three. Effective Date**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.