

22-56-10

**RESOLUTION AUTHORIZING THE USE OF VIDEOCONFERENCING**

**WHEREAS**, by passing Chapter 56 of the Laws of 2022 (“Chapter 56”), the New York State Legislature amended Section 103 of the Open Meetings Law; and

**WHEREAS**, Chapter 56 adds Section 103-a of the Open Meetings Law, permitting the Hudson River – Black River Regulating District Board to authorize its members to attend meetings by videoconferencing under extraordinary circumstances; and

**WHEREAS**, Section 103-a(2)(a) requires the Hudson River – Black River Regulating District Board to adopt a resolution following a public hearing authorizing the limited use of videoconferencing under such circumstances; and

**WHEREAS**, the Hudson River – Black River Regulating District Board has noticed a public hearing on this topic to be conducted in concert with the Board’s regularly scheduled meeting; and

**WHEREAS**, Section 103-a(2) allows for hybrid meetings by requiring “that a minimum number of members are present to fulfill the public body’s quorum requirement in the same physical location or locations where the public can attend”; and

**WHEREAS**, Section 103-a(2)(c) requires that members be physically present at any such meeting “unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances . . . including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting”; and

**WHEREAS**, in accordance with Section 103-a(2)(d), any members attending by videoconference must, excerpt during executive session, 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”; and

**WHEREAS**, Section 103-a(2)(g) requires that any meeting where a member attends by videoconference be recorded, posted to the Hudson River – Black River Regulating District’s webpage within five business days, and transcribed upon request; and

**WHEREAS**, Section 103-a(2)(h) requires that members of the public be permitted to attend and participate, if authorized, in any meeting by videoconference when a member attends by videoconference.

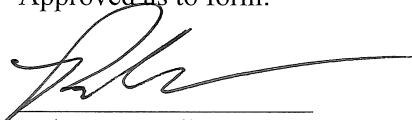
**WHEREAS**, the Board has established written procedures (attached) governing member and public attendance consistent with Public Officers Law §103-a and posted said procedures on the Regulating District’s website at: <https://hrbrrd.ny.gov/>.

**BE IT RESOLVED**, that the Hudson River – Black River Regulating District Board authorizes its members who experience an extraordinary circumstance, as described above and further defined by the attached written procedures and by any rules or written procedures later adopted, to attend meetings by videoconference: (i) as long as a quorum of the members attend in-person at one or more locations open to the public; (ii) as long as the member can be seen, heard, and identified while the open portion of the meeting is being conducted; and (iii) as otherwise permitted under Chapter 56 of the Laws of 2022; and be it further

*Approved at the October 12, 2022 Board Meeting*

**BE IT FURTHER RESOLVED** the Hudson River – Black River Regulating District Board adopts the attached written procedures governing member and public attendance at Regular, Special, Committee and Sub-Committee meetings of the Board.

Approved as to form:



Robert P. Leslie  
General Counsel

Motion was made by Mr. Candido and seconded by Ms. Allen that the Resolution be approved.

Present and voting:

<u>MEMBER</u>	<u>AYE</u>	<u>NOE</u>	<u>ABSTAIN</u>
Mr. Finkle.....	<u>  X  </u>	<u>      </u>	<u>      </u>
Mr. Hayes.....	<u>  X  </u>	<u>      </u>	<u>      </u>
Mr. DeWitt.....	<u>  X  </u>	<u>      </u>	<u>      </u>
Mr. Bird.....	<u>  X  </u>	<u>      </u>	<u>      </u>
Mr. Candido.....	<u>  X  </u>	<u>      </u>	<u>      </u>
Mr. Reagan.....	<u>  X  </u>	<u>      </u>	<u>      </u>
Ms. Allen.....	<u>  X  </u>	<u>      </u>	<u>      </u>