

ITEM 18 - AUTHORIZATION FOR BOARD MEMBERS TO APPEAR AND PARTICIPATE IN BOARD MEETINGS BY VIDEOCONFERENCE UNDER EXTRAORDINARY CIRCUMSTANCES

Motion by seconded by

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

WHEREAS, Chapter 56 adds Section 103-a of the Open Meetings Law, permitting the Erie County Water Authority (the “Authority”) to authorize its members to attend meetings by videoconferencing under extraordinary circumstances; and

WHEREAS, Section 103-a(2)(a) requires the Authority’s Board of Commissioners (the “Board”) to adopt a resolution following a public hearing authorizing the limited use of videoconferencing under such circumstances; 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, except 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 Erie County Water Authority 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;

NOW, THEREFORE, BE IT RESOLVED:

That the Board authorizes its members who experience an extraordinary circumstance, as described above and further defined by any rules or written procedures latter 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 meetings is being conducted; and (iii) as otherwise permitted under Chapter 56 of the laws of 2022; and be it further

RESOLVED: That the Erie County Water Authority shall create written procedures further governing its use of videoconferencing by its members in compliance with Chapter 56 of the Laws of 2022; and be it further

RESOLVED: That the Secretary is hereby directed to post the written procedures for member videoconferencing on the Authority's website.

Ayes:

Noes:

02/22/24-KAG:alh