

## **ONEIDA COUNTY LOCAL DEVELOPMENT CORPORATION POLICY**

### **PROCEDURES FOR DIRECTOR VIDEOCONFERENCING PURSUANT TO PUBLIC OFFICERS LAW §103-A AND GENERAL MUNICIPAL LAW §857.**

In compliance with Public Officers Law (POL) §103-a(2)(a), the Oneida County Local Development Corporation (the "Corporation") following a public hearing, authorized by resolution on \_\_\_\_\_, 20\_\_\_\_, the use of videoconferencing as described in POL §103-a.

The following procedures are hereby established through this policy (the "Policy") to satisfy the requirement of POL §103-a(2)(b), that any public body which in its discretion wishes to permit its members to participate in meetings by videoconferencing from private locations - under extraordinary circumstances - must establish procedures governing member and public attendance.

1. Pursuant to POL §103-a(2)(c), each member of the Corporation's Board of Directors (the "Board") shall be physically present at any meeting of the Corporation unless such director is unable to be physically present at one of the designated public meeting locations due to extraordinary circumstances.
2. For purposes of this Policy, the term "extraordinary circumstances" includes disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the director's physical attendance.
3. Regardless of any extraordinary circumstances, each member of the Board must be physically present at the designated public meeting location in Rome, New York, or at other designated public meeting locations as may be determined by the Corporation, for no less than Sixty Percent (60%) of the regularly scheduled meetings of the Corporation within any given calendar year. The Corporation will evaluate director attendance on an end-of-calendar-year basis, and report to the appointing authority at that time any director that did not meet the attendance threshold.
4. The foregoing provisions of paragraphs 1-3 of this Policy 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 Oneida County pursuant to Executive Law §24, if the Corporation determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Corporation to hold an in-person meeting.
5. If a director 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 director must notify the Executive Director of the Corporation no less than four (4) business days prior to the scheduled meeting in order for proper notice to the public to be given. If extraordinary circumstances present themselves on emergent basis within four (4) days of the meeting, the Corporation shall update its notice as soon as practicable to include that information. If it is not practicable for the Corporation to update its notice, the Corporation's Board of Directors shall note the unexpected absence, reason for the delay or inability to notify the public of such absence, and the extraordinary circumstances leading to such absence in the minutes of the Corporation for said meeting to put the public on notice.

6. If there is a quorum of the Board participating at a physical location(s) open to the public, the Corporation may properly convene a meeting. A director 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 Corporation, but may participate and vote if there is a quorum of the Board at a physical location open to the public in Rome, New York, or at any other public location as provided in the notice. Notwithstanding the in-person quorum requirements, a director with a disability as defined in Executive Law §292 will be managed on a case-by-case basis pursuant to POL §103-a(2)(c).
7. Except in the case of executive session conducted pursuant to POL §105, the Corporation shall ensure that all directors attending can be heard, seen, and identified for all proposals, resolutions, and any other conduct, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. This shall include the use of first and last name place cards physically placed in front of the Board, or directors participating through videoconference from an outside location due to extraordinary circumstances, being identified by their full first and last name on the videoconferencing screen.
8. The minutes of the meeting involving videoconferencing based on extraordinary circumstances pursuant to POL §103-a shall include which, if any, directors participated by videoconference from an outside location due to such extraordinary circumstances, and which directors had to leave any meeting prior to its conclusion due to any extraordinary circumstances.
9. Pursuant to POL §103-a(2)(g), if videoconferencing is used to conduct a meeting of the Corporation, the public notice for such 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.

10. Pursuant to POL §103-a(2)(g) and General Municipal Law (GML) §857, the Corporation shall, to the extent practicable, stream all open meetings and public hearings on its website in real-time. The Corporation shall further post video recordings of all open meetings and public hearings on its website within five (5) business days of the meeting or hearing and shall maintain such recordings for a period of not less than five (5) years. Such recordings shall be further transcribed upon request.
  
11. If the Corporation uses videoconferencing to conduct a meeting, the public body shall provide the opportunity for members of the public to view such meeting via video that is consistent with the Americans with Disabilities Act ("ADA"), as amended, 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 or testimony as in-person participation or testimony.
  
12. The Corporation shall publish this Policy on the Corporation's website for public view.