

Town of Canton

Local law # ____ 2022

A local law providing authorization and written procedures
governing member and public attendance at
meetings of the Town's public bodies.

Be it enacted by the Town Board of the Town of Canton (Town Board), County of St.

Lawrence as follows:

Section 1. Legislation

The Town Board hereby authorizes all members of the Town's public bodies to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a and the Town's videoconferencing policy as set forth herein by the Town Board. The Town's public bodies may participate in meetings via videoconference technology from locations not accessible to the public so long as a quorum of the Town board/body participates from location(s) where the public may be physically present; and extraordinary circumstances exist that prevent the board member from attending in-person and the Town maintains its official website. The Town Board hereby adopts the following as the written procedures to be utilized at any meeting of any public body of the Town of Canton which is subject to the requirements of the Open Meetings Law of the State of New York as set forth in Public Officers Law Article 7.

Section 2. Definitions

A. DEFINITIONS. As used in this legislation, the following terms shall have the meanings set forth.

1. PUBLIC BODY - shall mean any Board of the Town, including the Town Board, Planning

Board, Zoning Board of Appeals, and any other Board performing a governmental function for or on behalf of the Town of Canton.

2. MEETING - a gathering of the members of a Board for the transaction of official business on behalf of the Town, for which a quorum of members must be present.

3. QUORUM - a majority of the members of a Board.

4. PHYSICAL PRESENCE - when the minimum number of members are present to fulfill the public body's quorum requirement in the same physical location or locations all of which shall be locations at which the public can attend the meeting.

Section 3. Policy Requirements

A. REQUIREMENTS FOR MEETINGS OF ANY PUBLIC BODY:

The following requirements shall be met by any Public Body of the Town of Canton:

1. Members of the public body shall be physically present at any meeting of such public body unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances due to
 - a. disability;
 - b. illness;
 - c. caregiving responsibilities;
 - d. any other significant or unexpected factor or event which precludes a member's physical attendance at such meeting;
2. A public body may, in its discretion, use videoconferencing to conduct its meetings, provided 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 all other requirements set forth hereafter have been met;
3. Except at an executive session, the public body shall ensure that the 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;

4. Minutes of any meetings involving videoconferencing shall include which, if any, members participated remotely and shall be available to the public pursuant to Section 106 of the Public Officers Law;

5. If videoconferencing is 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;

6. Each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the Town's website within five (5) business days following the meeting, and shall remain so available for a minimum of five (5) years thereafter. Such recordings shall be transcribed upon request;

7. 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 or testimony as in person participation or testimony;

8. Nothing herein is intended to prohibit or impede a public body's ability to conduct an executive session in compliance with Section 105 of the Public Officers Law or for members to otherwise meet when not conducting official Town business (i.e. attendance at educational and similar events) in compliance with the provisions of the Public Officers Law, nor shall anything set forth herein alter any requirements previously established by the Town Board for meetings of other groups which are not subject to the Open Meetings Law.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid

or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

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

Date

Town Clerk

Town of Canton