



## City of Beacon

### **VIDEOCONFERENCING POLICY GOVERNING CITY COUNCIL MEMBER AND PUBLIC ATTENDANCE UNDER SECTION 103-a OF THE OPEN MEETINGS LAW**

#### **A. Introduction**

The City of Beacon recognizes the benefits of allowing members of the City Council to attend meetings using videoconferencing technology. On July 5, 2022, the Council of the City of Beacon adopted a local law to authorize the use of videoconferencing for itself. This Videoconferencing Policy shall govern member and public attendance and participation when City Council members choose to attend public meetings via videoconferencing technology under Section 103-a of the Open Meetings Law.

This Videoconferencing Policy shall be posted on the City's website.

#### **B. Virtual Meeting Attendance by Board Members**

1. Members of a public body shall be physically present at all meetings of such public body unless such member is unable to be physically present at any such meeting location due to the following extraordinary circumstances:
  - a. Disability;
  - b. Illness;
  - c. Health Concerns;
  - d. Caregiving Responsibilities;
  - e. Business Trips; or
  - f. Other significant or unexpected factor or event which precludes the member's physical attendance at such meeting.
2. The majority of the City Council must conduct the public meeting from a physical location or locations where the public can attend. A physical location is any location identified in the meeting notice that is open to in-person public attendance.
  - a. For example, no less than four members of the City Council must conduct the meeting in the same physical location or locations where the public can attend the meeting. If two City Council members are sick and two City Council members are on vacation, the public meeting must be cancelled because only three City Council members are available to meet in-person (or in any physical

location open to the public). All four members cannot participate in the public meeting using videoconference from a location that is not open to in-person public attendance.

- b. The City Council may conduct a meeting where three members attend the meeting from City Hall, two members attend using videoconference where their physical locations are open to the public and such locations have been identified in the meeting notice, and two members attend using videoconference where their location is not open to the public.
3. Board members wishing to attend a public meeting using videoconferencing technology from a location not open to the public, must advise the Mayor and the City Administrator as early as possible before the scheduled meeting that they are unable to be physically present at the meeting. 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 or locations for the meeting where the public can attend.
  - a. If a City Council member plans to attend a meeting using videoconferencing technology from a location open to the public, such member must advise the Mayor and the City Administrator at least 72 hours before the meeting to ensure that the City has enough time to post the required public meeting notice. The public notice for such meeting shall inform the public that videoconferencing will be used and shall identify the location for the meeting, and state that the public has the right to attend the meeting at any of the locations.
4. Except in the case of executive sessions conducted pursuant to Public Officers Law § 105, the City Council shall ensure that all members 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. Any City Council member attending a public meeting via videoconferencing technology must have their video turned on for the duration of the meeting.
5. During the meeting the Mayor shall announce the name or names of those members participating remotely. This information shall be included in the minutes.
6. Each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the public website of the public body within five business days following the meeting and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.
7. If videoconferencing technology is used to conduct a meeting from locations not open to the public, 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. If a vote takes place during the meeting, the remote attendee will be entitled to participate in the vote as usual. The remote attendee will be asked directly what their vote is. The Mayor shall conduct a roll call vote of those members attending remotely.
9. Meetings that use videoconferencing shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines.

### **C. Exemptions**

1. The provisions of this Policy and Public Officers Law § 103-a do not limit the existing authority set forth in the Public Officers Law which allows all public bodies to virtually connect multiple public locations from which members and the public may attend. The City's public bodies may continue to hold proper open meetings by videoconference from multiple physical locations which are identified in the meeting notice, open to the public and connected virtually together by videoconference.
2. The in person participation requirements set forth in this Policy and Public Officers Law § 103-a(2)(c) 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 Mayor of the City of Beacon pursuant to Executive Law § 24, if the Governor or the Mayor determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in person meeting.

### **D. Virtual Meeting Etiquette for Board Members**

1. Board members that attend a public meeting via videoconferencing must comply with the following rules:
  - a. Be on time.
  - b. Keep your camera on at all times.
  - c. Ensure your technology works correctly.
  - d. Wear appropriate clothing.
  - e. Frame the camera correctly.
  - f. Have the right light.

- g. Look into the camera.
- h. Pay attention.
- i. Mute yourself when not speaking.
- j. Ensure others are not in the room to cause distractions.
- k. Maintain appropriate backgrounds.
- l. Silence all background noises.
- m. Ensure your displayed participant name is correct.

### **E. Public Participation via Videoconferencing Technology**

1. Questions will be answered in the order they are received. Participants attending a meeting via videoconferencing technology shall be called upon to speak following in-person speakers.
2. Participants must use the “Raise Hand” function to verbally ask a question. To raise one’s hand, click the “Participants” button in the bottom toolbar, then click the “Raise Hand” button at the bottom of the “Participants” dialogue box. Participants who have joined the meeting solely via phone can dial \*9 to raise their hand.
3. Virtual meeting participants must wait until authorized to speak by the Mayor. Only virtual speakers with a digital hand raised shall be called upon to speak.
4. Participants shall not type any questions or comments in the chat box. Chats sent privately through a private chat box will show up on the administrator’s downloaded transcript.
5. Participants must mute themselves when not speaking to cut down on background noise.

**Adopted: July 5, 2022**