

RESOLUTION AUTHORIZING THE USE OF VIDEOCONFERENCING IN
EXTRAORDINARY CIRCUMSTANCES BY THE LAKE CHAMPLAIN – LAKE GEORGE
REGIONAL PLANNING BOARD

WHEREAS, Chapter 56 of the laws of 2022 relating to the New York State Budget for 2022-2023 State fiscal year included an Amendment to the Open Meetings Law (OML) to make permanent (until July 1, 2024) the expanded use of videoconferencing by public bodies to conduct meetings, including under extraordinary circumstances, regardless of a declaration of emergency; and

WHEREAS, the Lake Champlain – Lake George Regional Planning Board (LCLGRPB) has successfully utilized videoconferencing during the COVID pandemic and would like the ability to continue to utilize videoconferencing,

NOW, THEREFORE, BE IT

RESOLVED that the LCLGRPB hereby establishes the following guidelines and procedures for the LCLGRPB to utilize videoconferencing:

1. LCLGRPB members shall be physically present at all meetings unless a member is unable to be physically present due to extraordinary circumstances which shall include:
 - a. Disability
 - b. Illness
 - c. Caregiving responsibilities
 - d. Family death
 - e. Lack of transportation to/from the meeting
 - f. Weather
 - g. Other significant or unexpected factors or events which precludes an LCLGRPB member's physical attendance at a meeting.
2. Any LCLGRPB member who participates at a physical location that is open to in-person physical attendance by the public (and which location has been included in the meeting notice) may count toward a quorum and may fully participate and vote in the meeting. If there is a quorum of members at a physical location open to the public, the LCLGRPB may properly convene a meeting.
3. An LCLGRPB member who is participating from a remote location due to extraordinary circumstances that is not open to in-person physical attendance by the public may not be counted toward a quorum of the public body. Said LCLGRPB member may participate and vote if there is a quorum of members at a physical location open to the public.
4. If the LCLGRPB uses videoconferencing to conduct a meeting, the public notice for the meeting must inform the public that videoconferencing will be used and that one or more members may be participating via videoconference due to extraordinary circumstances and must include directions for how the public can view and/or participate (if participation is

permitted) in such meeting. The LCLGRPBB shall provide the opportunity for members of the public to view the meeting, using remote technology or in person, in real time.

5. The minutes of all LCLGRPBB meetings involving videoconferencing shall include which, if any, LCLGRPBB members participated remotely.
6. Any LCLGRPBB member appearing by videoconference shall be on video and remain on video for the duration of the meeting unless said member has a conflict of interest with an item in the Agenda and said member leaves the meeting while the topic is discussed.
7. All LCLGRPBB meetings conducted using videoconferencing shall be recorded and such recordings posted or linked on the LCLGRPBB'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,

And be it further

RESOLVED that the in-person participation requirements of Public Officers Law above shall not apply during a State disaster emergency declared by the governor pursuant to section twenty-eight of the executive law, or a local State of emergency proclaimed by the chief executive of a county, city, village or town pursuant to section twenty-four of the executive law, if the public body determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in-person meeting,

And be it further

RESOLVED that this authorization extends to all committees and subcommittees of the LCLGRPBB,

And be it further

RESOLVED that this Resolution shall take effect immediately.

The foregoing resolution was thereupon declared duly adopted.

AYES:

ABSENT:

NAYS:

ABSTAIN: