

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
City of Essex  
Town  
Village

Local Law No. 3 of the year 2022

A local law to adopt amendments to the New York State Open Meetings Law for the expanded use of videoconferencing in Essex County.

(Insert Title)

Be It enacted by the Board of Supervisors \_\_\_\_\_ of the  
(Name of Legislative Body)

County  
City of Essex as follows:  
Town  
Village

**"ESSEX COUNTY LOCAL LAW NO. 3 OF 2022**

A local law to adopt amendments to the New York State Open Meetings Law for the expanded use of videoconferencing in Essex County.

**BE IT ENACTED** by the Board of Supervisors of Essex County as follows:

**§1. Title.**

This local law shall be titled, "A Local Law to Adopt Amendments to the New York State Open Meetings Law for the expanded use of videoconferencing in the County of Essex".

**§2. Purpose and Intent.**

The purpose of this law is to authorize Essex County to allow for expansion of the use of videoconferencing to conduct open meetings.

**§3. Authority.**

This local law is adopted pursuant to the provisions of the Municipal Home Rule Law. On April 9, 2022, Governor Hochul signed an amendment to the Open Meetings Law to allow, until the expiration date of July 1, 2024, the expanded use of videoconferencing by public bodies in the conduct of open meetings, under extraordinary circumstances, regardless of a declaration of emergency. In order to continue meeting

virtually, counties must adopt a local law to opt in.

**§4. Authorization.**

The County of Essex hereby authorizes the use of videoconferencing for all public bodies of the County of Essex, including itself and its committees and subcommittees, and all Boards of the County of Essex, subject to the written procedure set forth below which may be amended by resolution.

**§5. Conditions.**

- a) A quorum of members of the public body must be physically present in the same physical location or locations, where members of the public may attend, to fulfil any quorum requirements to which said public body is subject.
- b) These procedures shall be conspicuously posted on the County's website.
- c) Members of the Board shall be physically present at meetings, unless allowed remote attendance at locations that do not allow for in-person physical attendance by the public, under extraordinary circumstances.
- d) The list of extraordinary circumstances is non-exhaustive, but shall include illness, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting. The following shall not be deemed as extraordinary circumstances: vacation or delayed travel.
- e) Members shall provide notice of their inability to attend a meeting to the Clerk of the Board of Supervisors at least 24 hours prior to the meeting or as soon as reasonably able.
- f) The Committee Chairs, when available, shall retain discretion over permitted extraordinary circumstances for their Committee, pursuant to Section 2(d) of this local law.
- g) The Chairperson of the Board shall retain discretion over permitted extraordinary circumstances for the Board and for Committee meetings when that Chair is unavailable, pursuant to Section 2(d) of this local law.
- h) Members allowed to appear remotely shall leave their video camera on at all times during the meeting unless excused by the Chairperson.
- i) Rules for executive session shall still apply, and members shall not permit any unauthorized persons to listen to or overhear any executive session discussion.
- j) It is understood that members permitted to attend a a location that does not allow for in-person physical attendance by the public will not count toward a quorum. Only members present at a physical location which allows for in-person attendance by the public will count toward a quorum.
- k) Any members of the public attending a meeting must be able to hear, see and identify any member of the public body who is attending remotely while the meeting is being conducted.
- l) Meetings conducted using videoconferencing shall be recorded and those recordings shall be posted or linked within five (5) business days of the meeting on the County website and maintained for five (5) years thereafter. Recordings shall be transcribed upon request.

- m) In those meetings where videoconferencing is used the public shall be able to view the meeting via video and participate in the proceedings via videoconference in real time where public participation is authorized.
- n) The Essex County Board of Supervisors may hold fully remote meetings, and in-person participation requirements of the Law shall not apply, during: a state disaster emergency declared by the governor pursuant to Section 28 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 24 of the Executive Law, if the Board determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Board to hold an in-person meeting.
- o) 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 required documents and records will be posted or available, where members of the public can view and/or participate in such meeting via videoconference and identify the physical locations where members of the Board of Supervisors will be physically present at the meeting and where members of the public can attend the meeting in person.
- p) If videoconferencing is used to conduct a meeting, members of the public shall be allowed to view the video broadcast of any meeting using videoconferencing simultaneously when the meeting is conducted. Additionally, at meetings where public comment or participation is authorized by the County or Law, members of the public shall be allowed to participate in the proceedings using videoconference technology in real time and with the same opportunity for public participation or testimony as in-person participation or testimony.
- q) Open meetings of any public body that are broadcast or 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.
- r) The minutes of the meetings involving videoconferencing must include which, if any members, participated remotely and must be made available to the public.

**§6. Severability.**

If any clause, sentence, paragraph, section, subdivision or other party of this local law or its applications shall be adjudged by a court of competent jurisdiction to be invalidated or unconstitutional, provided that such judgment does not invalidate this local law or prohibit its administration, such order or judgment shall not affect, impair or otherwise invalidate the remainder of this local law which shall remain in full force and effect.

**§7. Effective Date.**

This local law shall be effective immediately upon its filing with the New York State Secretary of State.

**§8. Expiration Date.**

This local law shall expire on July 1, 2024.

**(If additional space is needed, attach pages the same size as this sheet and number each.)(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No 3 of 2022 of the (County)(City)(Town)(Village) of Essex was duly passed by the Board of Supervisors on November 7, 2022 in accordance with the applicable provisions of law. *(Name of legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No \_\_\_\_\_ of 20 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, 20 \_\_, in accordance with the applicable provisions of law. *(Name of legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the Board of Supervisors \_\_\_\_\_ on \_\_\_\_\_, 20 \_\_ and was \_\_\_\_\_ (Name of Legislative Body) (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20 \_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20 \_\_, in accordance with the applicable provisions of law. *(Elective Chief Executive Officer\*)*

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2022 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_. *(Name of legislative Body)*  
Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, 20 \_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide basis or, If there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_, 20 \_\_, became operative.

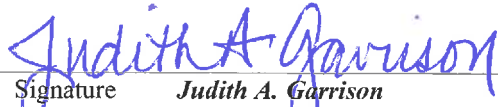
**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No \_\_\_\_\_ of 20 \_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ 4 \_\_\_\_\_ above.

(Seal)

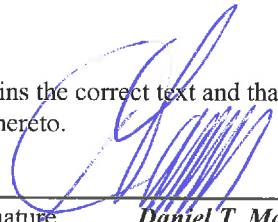
  
Signature *Judith A. Garrison*  
Title: Clerk of the Essex County Board of Supervisors  
Date: 11/7/2022

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK

COUNTY OF ESSEX

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
Signature *Daniel T. Manning, Esq.*  
Title: Essex County Attorney  
County \_\_\_\_\_  
City of \_\_\_\_\_ Essex  
~~Town~~  
~~Village~~  
Date: 11/7/2022