

Procedures for Member Videoconferencing and Remote Participation in Meetings

In compliance with Public Officers Law (POL) § 103-a(2)(a) and section 131-zz of the social services law, the Child Poverty Reduction Advisory Council (“Council”) authorized by resolution on December 6, 2022 the use of videoconferencing as described in POL § 103-a.

The following procedures are established 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 written procedures governing member and public attendance. The procedure further authorizes one or more members of a committee or subcommittee to participate in a meeting including in person, virtual, or telephone conference meetings of the committee or subcommittee by conference telephone, conference video or similar communication as authorized by SSL § 131-zz (8).

1. Council members shall be physically present at any meeting of the Council unless such member is unable to be physically present at one of the designated public meeting locations due to extraordinary circumstances.
2. For purposes of these procedures, the term “extraordinary circumstances” includes disability, illness, caregiving responsibilities, weather-related barriers to travel, financial inability to travel to the meeting site, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting. The existence of qualifying extraordinary circumstances will be determined by a Co-Chair of the Council. If a member 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 member must notify a Co-Chair of the Council as soon as practicable.
3. If there is a quorum of members participating at a physical location(s) open to the public, the Council may properly convene a meeting. A member 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 Council but may participate and vote if there is a quorum of members at a physical location(s) open to the public. However, any member who has a disability as defined in section two hundred ninety-two of the executive law, where such disability renders such member unable to participate in-person at any such meeting location where the public can attend, shall be considered present for purposes of fulfilling the quorum requirements at any meetings conducted through videoconferencing. In such cases all other criteria for videoconferencing must be met, including having at least one physical location where the public can attend the meeting.
4. Except in the case of executive sessions conducted pursuant to POL § 105, the Council shall ensure that its 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.
5. The minutes of the meetings involving videoconferencing based on extraordinary circumstances pursuant to POL § 103-a shall include which, if any, members participated by videoconferencing from a private location due to such extraordinary circumstances.
6. The public notice for the meeting shall inform the public: (i) that extraordinary circumstances videoconferencing may be used, (ii) where the public can view and/or participate in such meeting, (iii)

where required documents and records will be posted or available, and (iv) the physical location(s) for the meeting where the public can attend.

7. The Council shall provide that each open portion of any meeting conducted using videoconferencing shall be recorded, and such recordings posted or linked on the Council website within five business days following the meeting and if the recording is deemed the meeting minutes, it shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.
8. If members of the Council are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the Council shall provide the opportunity for members of the public to view such meeting by video, and to participate in proceedings by videoconference in real time where public comment or participation is authorized. The Council shall ensure that where extraordinary circumstances videoconferencing is used, it authorizes the same public participation or testimony as in person participation or testimony.
9. Open meetings of the Council conducted using extraordinary circumstances videoconferencing pursuant to the provisions of POL § 103-a shall be broadcast pursuant to the requirements of POL § 103(f) and 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. For the purposes of this guideline, "disability" shall have the meaning defined in Executive Law § 292.
10. Pursuant to subdivision 8 of section 131-zz of the social services law, one or more members of a committee or subcommittee may participate in a meeting, including an in-person, virtual, or telephone conference meeting of the committee or subcommittee, by conference telephone, conference video, or similar communication, provided that: 1) the meeting may be seen or heard by members of the public as it occurs; 2) the means of communication allows all persons participating in the meeting, and all persons watching or listening to the meeting, including members of the public, to hear each other at the same time; and 3) a record of the meeting will be posted or linked on the public website of the OTDA within five business days following the meeting. Participation of a member by remote means shall constitute presence at a meeting.
11. The in-person participation requirements of POL § 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 chief executive of a county, city, village or town pursuant to § 24 of the Executive Law if the Council determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Council to hold an in-person meeting.
12. These procedures shall be conspicuously posted on the OTDA website.