

By-Laws of the Child Poverty Reduction Advisory Council

I. Child Poverty Reduction Advisory Council

- a. Child Poverty Reduction Advisory Council (the “Council”) shall carry out the required acts set forth in section 131-zz of the social services law.
- b. To fulfill its purpose and vision, the Council members shall work together and with others by sharing knowledge, listening, learning, consulting experts, researching, and striving to build consensus in order to develop and recommend policies and procedures to reduce child poverty in New York State by fifty percent in ten years.
- c. Office: The office of the Council shall be 40 N. Pearl Street, Albany, New York 12243

II. Members

- a. Co-Chairs. The Council shall be chaired by a representative of the executive chamber and the commissioner of the office of temporary and disability assistance (“OTDA”), or their designees.
- d. Members, Designees, Quorums, Voting.
 - i. Members shall be appointed as directed by the social services law. The Co-Chairs shall appoint additional Members within the categories designated by the social services law as needed to fulfill the duties of the Council. Any vacancies in the council shall be filled in the same manner as the original appointment was made.
 - ii. Designees. Members who are employees of State agencies or authorities may designate an individual to represent them at meetings of the Council. Any designee shall have the power to attend and to vote at any meeting of the Council as if the designating Member were present and voting. Designation shall be by written notice to the Co-Chairs. The designation shall continue until revoked at any time by the designating Member through written notice to the Co-Chairs.
 - iii. A quorum shall consist of a majority of the appointed members entitled to vote on the matter under consideration. Vacant appointments shall not count for the calculation of a quorum until the vacancy is filled.
 - iv. Approval of final reports, recommendations or publications shall require the affirmative vote of a majority of the members voting on the matter.
 - v. Removal. Members may be removed with or without cause by a majority vote of the appointed members.
- e. Compensation. The members shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties to the extent funds are appropriated for such expenses.
- f. Code of Conduct. The members shall adopt a code of conduct. All members and their designees shall comply with this code.

III. Meetings

- a. The Council shall meet as frequently as its business may require.
- b. Open Meetings. The meetings of the council, including any committee or subcommittee or executive session shall be governed by article seven of the public officers law and social services law 131-zz.

- c. Remote Participation. All meetings of the Council shall be governed by the Open Meetings Law and the Council may enact a resolution and guidelines permitting videoconferencing pursuant to Public Officers Law 103-a. Any member of a committee or subcommittee may participate in a committee or subcommittee meeting by means of a conference telephone, conference video or similar communication or electronic communication, provided that such communication allows all persons participating in the meeting, and all persons observing the meeting to hear each other at the same time. Participation by such means shall constitute attendance at a meeting. If a meeting other than an executive session is to be conducted by means of a conference telephone, conference video or similar communication or electronic communication, the public notice for such meeting shall inform the public that such equipment will be used and identify the means by which the public may listen to such meeting.
- d. Committees and Subcommittees. The Council may establish temporary or permanent committees or subcommittees to consider any question.
- e. Public Hearings. The Council shall conduct formal public hearings in at least four regions of the State. The Council shall establish procedures for the conduct of the public hearings, including outside participation by written submission or otherwise. Notice of the procedures shall be published as part of the meeting notice.

IV. Reports

The Council shall report to the governor, the speaker of the assembly and the temporary president of the senate as required or as set forth in social services law 131-zz. Committees and subcommittees shall report to the Council as a whole and shall not issue any separate reports.

V. Amendments to Bylaws

These By-Laws may be altered, amended, or repealed and new By-laws may be adopted by the affirmative vote of three fourths of the Members present at any meeting, provided a quorum, as provided in these By-Laws, be present and provided the notice of such meeting shall have contained a copy of the proposed alteration, amendment or repeal, or such requirement shall have been duly waived by all Members.

Adopted by a vote of the Council on: _____

Co-Chair

Co-Chair

Code of Conduct for Members of the Child Poverty Reduction Advisory Council

Congratulations on your appointment as a member of the Child Poverty Reduction Advisory Council. (CPRAC) Thank you for your service. This document provides easy-to-understand guidance on ethical considerations related to your Council service.

Employees of state agencies are also subject to New York's Code of Ethics, Public Officers Law §74. "State Agency" means any state department, or division, board, commission, or bureau of any state department, public benefit corporation or public authority at least one of whose members is appointed by the Governor of New York State.

Please review the Code of Conduct. If you are not employed by a state agency, you may address any questions to the Commissioner of the Office of Temporary and Disability Assistance (OTDA) or designee. If you are employed by a state agency, address any questions to your agency's general counsel (GC) or designee.

Please be aware that if you are a state employee and are obligated to file an annual financial disclosure statement with the New York State Joint Commission on Public Ethics (JCOPE), pursuant to Public Officers Law Section 73-a, JCOPE will notify you.

Things to know about your Council Service

1. **Conflicts of Interest:** A conflict may exist when you or a family member has an interest, financial or otherwise, in a matter before the Council or when the public could reasonably conclude that you or a family member has an interest. Disclose any possible conflicts of interest as early as possible.
2. **Recusal:** After disclosing your conflict of interest, you should determine whether recusal is required. Recusal means not voting on or participating in any Council discussions related to your conflict. If you are employed by a state agency, discuss the matter with your agency's GC or designee.
3. **Confidential Information:** Information obtained as a result of Council membership, and not otherwise public, must not be disclosed, and may not be used to further your interests or the interests of a relative.
4. **Unwarranted Privileges:** Do not use or attempt to use your position on the Council to obtain preferential treatment for yourself or others.
5. **Nepotism:** Do not participate in any way in a decision to hire, promote or discipline a family member paid by your agency.
6. **Gifts:** Do not accept anything of value where (a) it could reasonably be inferred that it is a gift intended to influence you, in the performance of your Council duties; or (b) was given to you as a sign of appreciation for Council member action. Members employed by a state agency are subject to the state law governing gifts, including limits on the value of any gift. State employees should discuss any questions with their agency's GC to determine the appropriate course of action in a particular circumstance.

7. **Political Activity:** Certain Council members who are employed by a state agency cannot do the following:
- a. Serve as an officer of any political party or political organization;
 - b. Serve as a member of any political party committee, including serving as a political party district leader or member of the national committee of a political party; or
 - c. Give or raise monetary contributions for the Governor's political campaign, or solicit political contributions for any state or federal candidate while performing their duties.

Council members who are employed by a state agency should ask their agency GC or designee whether these prohibitions apply.

PLEASE take notice that Executive Order 7, section C (Prohibition Against Campaign Contributions to the Governor) applies to all Council members. EO 7 states:

No State agency officer or employee who serves at the pleasure of the Governor or their appointing authority, and no member of a public authority appointed by the Governor, may make or offer to make any monetary contribution to the campaign of the Governor, or to any political campaign committee organized by or for the specific benefit of the Governor. In addition, no such individual may request or demand that any other person make or offer to make any monetary contribution to the campaign of the Governor, or to any political campaign committee organized by or for the specific benefit of the Governor.

Failure to strictly follow the Code of Conduct may result in termination of your membership on the CPRAC.

A Resolution Adopting By-Laws of the Council and A Code of Conduct for Council Members

WHEREAS, section 131-zz of the Social Services Law established the Child Poverty Reduction Advisory Council (the “Council”) to effectuate a reduction in child poverty in the state; and

WHEREAS, pursuant to Section 2(d) section 131-zz of the social services law, the Council is authorized to adopt by-laws for the management and regulation of its affairs, including the creation of committees and subcommittees to effectuate the work required; and

WHEREAS, the members of the Council desire to establish a code of conduct to promote fair and ethical practices in relations to Council activities;

NOW, THEREFORE, BE IT

RESOLVED, that the Council hereby adopts the attached by-laws and Code of Conduct for the management of Council activities and members’ duties.

This resolution shall take effect immediately.

A Resolution Authorizing Members to Meet by Videoconference

WHEREAS, Section 103-a of the Open Meetings Law, permits the Child Poverty Reduction Advisory Council (the “Council”) to authorize its members to attend meetings by videoconferencing under extraordinary circumstances; and

WHEREAS Section 103-a(2)(a) requires the Council to adopt a resolution authorizing the use of videoconferencing under such circumstances; and

BE IT RESOLVED that the Council authorizes its members who experience an extraordinary circumstance, as described in the Open Meetings Law and further defined by any rules or written procedures later adopted, to attend meetings by videoconference:

- i. as long as a quorum of the members attend in-person at one or more locations open to the public;
- ii. (ii) as long as the member can be seen, heard, and identified while the meeting is being conducted; and
- iii. (iii) as otherwise permitted under section 103-a of the Open Meetings Law; and be it further

NOW, THEREFORE, BE IT

RESOLVED, that the Council shall create written procedures further governing its use of videoconferencing by its members in compliance with section 103-a of the Open Meetings Law.

This resolution shall take effect immediately.

Resolution to Authorize Organization of Committees and Subcommittees, and Adopt Remote Participation Policy

WHEREAS, section 131-zz of the Social Services Law established the Child Poverty Reduction Advisory Council (the “Council”) to effectuate a reduction in child poverty in the state; and

WHEREAS, pursuant to Section 2(d) section 131-zz of the social services law, the Council has adopted by-laws for the management and regulation of its affairs, including the creation of committees and subcommittees to effectuate the work of the Council; and

WHEREAS, the Council desires to establish a policy regarding to virtual attendance at Council meetings (not including committee and subcommittee meetings) due to extraordinary circumstances pursuant to Public Officers Law § 103-a;

NOW, THEREFORE, BE IT

RESOLVED, that the Co-Chairs are authorized, after consulting with the Council, to establish committees and subcommittees as they deem necessary to further the work of the Council. Committees may include all or some members of the Council, as determined by the Co-Chairs;

RESOLVED, that pursuant to subdivision section 131-zz of the social services law and section 103-a of the Public Officers Law, the Council adopts the attached “Procedures for Member Videoconferencing and Remote Participation in Meetings;” and

This resolution shall take effect immediately.

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.