



ONEIDA COUNTY BOARD OF LEGISLATORS

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EXPEDITED COMMUNICATIONS FOR DISTRIBUTION FOR THE APRIL 10, 2024 MEETING

(Correspondence relating to upcoming legislation, appointments, petitions, etc.)

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ONEIDA COUNTY BOARD OF LEGISLATORS

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FN 20 24 - 197

April 4, 2024

WAYS & MEANS

Oneida County Board of Legislators
800 Park Avenue
Utica, NY 13501

Re: Local Law Authorizing the Use of Videoconferencing for Board Meetings

Honorable Members:

Attached please find a message of Necessity for a Local Law Authorizing the use of videoconferencing at meetings for members of the Board of County Legislators with a disability for your consideration at the April 10, 2024 meeting.

Respectfully submitted,

Gerald J. Fiorini
Chairman of the Board of Legislators

**INTRODUCTORY
NO.**

F.N. 2024-197

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO.

**INTRODUCED BY: Mr. Fiorini, Flisnik
2ND BY:**

**LOCAL LAW INTRO. "B" OF 2024
LOCAL LAW NO. __ OF 2024**

**A LOCAL LAW AUTHORIZING THE USE OF VIDEOCONFERENCING AT
MEETINGS FOR MEMBERS OF THE BOARD OF COUNTY LEGISLATORS WITH A
DISABILITY**

BE IT ENACED BY THE BOARD OF COUNTY LEGISLATORS OF THE COUNTY OF
ONEIDA, STATE OF NEW YORK, AS FOLLOWS:

SECTION 1. PURPOSE AND INTENT.

The Board of County Legislators strives to conduct its meetings in the open, allowing the public to observe legislators as they deliberate and perform the public's business. Until recently, the New York State Open Meetings Law made it difficult to reconcile this interest in openness with the needs of legislators with a disability that precludes the member's physical attendance at a meeting. Fortunately, recent changes to the Open Meetings Law authorize local public bodies, upon the adoption of a local law and written procedures, to use videoconferencing to conduct public meetings in extraordinary circumstances.

The purpose of this Local Law is to authorize and establish procedures for members of the Board of County Legislators with a disability as defined in New York State Executive Law Section 292 and who are unable to be physically present at a meeting, with the permission of the Chair of the Board of County Legislators, to attend meetings of the Board of County Legislators and its committees and subcommittees by videoconferencing.

SECTION 2. AUTHORITY.

The Board of County Legislators adopts this Local Law under the authority granted by Article IX of the New York State Constitution, New York State Municipal Home Rule Law Section 10, New York State Public Officers Law Section 103-a, and Oneida County Charter Section 202(b).

SECTION 3. DEFINITIONS.

- A. "Chair" means the Chair of the Board of County Legislators.
- B. "Disability" means
 - i. a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; or
 - ii. a record of such an impairment; or
 - iii. a condition regarded by others as such an impairment.
- C. "Executive Session" means any session of a Meeting conducted pursuant to New York State Public Officers Law Section 105.
- D. "Extraordinary Circumstances" means a Disability which renders a Legislator unable to be physically present at a Meeting of the Board of County Legislators or its committees and subcommittees.
- E. "Legislator" means a member of the Board of County Legislators.
- F. "Meeting" means any meeting of the Board of County Legislators or its committees or subcommittees but shall not include the meeting of any administrative board, advisory board, task force, corporation, or other body which does not have Legislators as a majority of its membership.
- G. "Regular Meeting" for the Board of County Legislators shall have the meaning ascribed to it in the Rules of the Board. For any committee or subcommittee, the term "Regular Meeting" shall mean any Meeting scheduled at least one week prior thereto.
- H. "Special Meeting" shall for the Board of County Legislators have the meaning ascribed to it in the Rules of the Board. For any committee or subcommittee, the term "Special Meeting" shall mean any Meeting scheduled less than one week prior thereto.
- I. "Videoconferencing" means the use of cameras and microphones, including those imbedded in computers or personal electronic devices, for the real-time transmission of video and audio data, over a network or the internet.

SECTION 4. AUTHORIZATION OF USE OF VIDEOCONFERENCING IN EXTRAORDINARY CIRCUMSTANCES.

Pursuant to New York State Public Officers Law Section 103-a, the Board of County Legislators hereby authorizes the use of Videoconferencing at Meetings in Extraordinary Circumstances, subject to the written procedures adopted by the Board of County Legislators.

SECTION 5. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 6. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Sections 20, 21 and 27 of the New York State Municipal Home Rule Law.

SECTION 7. EXPIRATION DATE.

This Local Law shall expire and be deemed repealed upon the earlier of the expiration and repeal of New York State Public Officers Law Section 103-a or January 31, 2026.

APPROVED: Ways & Means Committee

DATED: April 10, 2024 (Message of Necessity issued by Chairman Fiorini)

Adopted by the following vote:

AYES NAYS ABSENT

PROCEDURES FOR LEGISLATOR VIDEOCONFERENCING PURSUANT TO NEW YORK STATE PUBLIC OFFICERS LAW SECTION 103-a AND ONEIDA COUNTY LOCAL LAW OF 2024

In compliance with New York State Public Officers Law (“POL”) § 103-a(2)(a), the Board of County Legislators, following a public hearing, adopted Oneida County Local Law ___ of 2024, effective _____ allowing the use of Videoconferencing as described in POL § 103-a. Defined terms herein shall have the meaning assigned thereto in Oneida County Local Law ___ of 2024.

The following procedures are hereby 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 and participation.

1. *Physical Presence Required Absent Extraordinary Circumstances.* A Legislator shall be physically present at any Meeting of the Oneida County Board of County Legislators or its committees or subcommittees unless he/she is experiencing Extraordinary Circumstances.
2. *Request to Participate by Videoconferencing in Extraordinary Circumstances.* A Legislator experiencing Extraordinary Circumstances may request the Chair that such Meeting be conducted with Videoconferencing and that such Legislator be allowed to attend such Meeting by Videoconferencing from a private location.
3. *Timing of Request.* For any Regular Meeting, the request to participate by Videoconferencing shall be made no less than one-hundred twenty (120) hours before such Regular Meeting, unless the Extraordinary Circumstances present themselves on an emergent basis within one-hundred twenty (120) hours of a Regular Meeting, and in such case, the Legislator shall make the request within a reasonable time under the circumstances. For any Special Meeting, the request to participate by Videoconferencing shall be made within a reasonable time before such Special Meeting.
4. *Decision of the Chair.* The Chair shall, within twenty-four hours of a Legislator’s request, approve or deny the request to participate by Videoconferencing, such decision to be made in the Chair’s discretion upon full consideration of the request and all attendant circumstances. If a Legislator’s Extraordinary Circumstances are not obvious, the Chair may require that the Legislator provide additional information or documentation of such Extraordinary Circumstances from a physician or other professional. For the sake of clarity, the Chair shall determine all requests for participation by Videoconferencing whether for a Meeting of the Board of County Legislators or for a Meeting of any committee or subcommittee, notwithstanding that a committee or subcommittee may have a separate chairperson.

5. *Notice of Meeting.* For any Meeting where Videoconferencing will be used, the public notice for the Meeting shall inform the public that Extraordinary Circumstances 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 shall further identify the physical location for the Meeting where the public can attend in person. In the event that a Legislator's Extraordinary Circumstances present themselves on an emergent basis, the Meeting notice shall be updated as soon as practicable to include this information. If it is not practicable to update the notice, the Board of County Legislators or its committee or subcommittee, as applicable, may reschedule the Meeting.
6. *Physical Presence and Quorum.* Legislators with an approved Extraordinary Circumstance who participate via Videoconferencing shall be considered present for purposes of fulfilling the quorum requirements for the Board of County Legislators at any Meeting conducted via Videoconferencing, provided that the Board of County Legislators maintains as least one (1) physical location whether the public can attend such Meeting.
7. *Physical Presence Not Required During Emergencies.* 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 New York State Executive Law § 28 or a local state of emergency proclaimed by the County Executive pursuant to New York State Executive Law § 24, if the Board of County Legislators determines that the circumstances necessitating the emergency declaration would affect or impair the ability to hold an in-person Meeting.
8. *Requirements Regarding Videoconference Participation.* Except in the case of Executive Sessions, the Board of County Legislators and its committees and subcommittees shall ensure that its members can be heard, seen, and identified while an Extraordinary Circumstances Videoconferencing Meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. This shall include the use of first and last name placards physically placed in front of the members or, for members participating by Videoconferencing from private locations due to Extraordinary Circumstances, such Legislators must ensure that their full first and last name appears on their Videoconferencing screen.
9. *Public Attendance by Videoconferencing.* If Videoconferencing is used at a Meeting, members of the public may, except during Executive Session, view such Meeting via video, and participate in the proceedings by Videoconferencing in real time where public comment or participation is authorized, to the same extent as allowed for in-person participation or testimony.

10. *Accessibility of Videoconferencing.* Open meetings of the Board of County Legislators conducted using Extraordinary Circumstances Videoconferencing pursuant to the provisions of POL § 103-a 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.
11. *Minutes of Meetings.* The minutes of any Meetings involving Videoconferencing shall include which, if any, Legislators participated by Videoconferencing and shall be available to the public pursuant to POL § 106.
12. *Recording of Meetings.* Each open Meeting conducted using Videoconferencing shall be recorded and such recordings shall be posted or linked on the public website of the County of Oneida 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.
13. *Maintenance of Public Website.* At all times in which this Local Law is in effect the County of Oneida shall maintain a public website for the Board of County Legislators and its committees and subcommittees.
14. *Posting of Written Procedures.* These procedures shall be conspicuously posted on County of Oneida’s public website.