

Town of Henrietta Videoconferencing Policy and Procedure

The following shall apply to the public bodies of the Town of Henrietta relative to public meetings thereof, all consistent with NY Open Meetings Law and the Town of Henrietta Videoconferencing Local Law:

1. **Physical Presence of Members Unless Extraordinary Circumstances.** In order to participate as a member of a public body during a public meeting, such member shall be physically present at the public meeting unless such member is unable to be physically present at any meeting location due to extraordinary circumstances including: disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes a member's physical attendance at such meeting, in which case the member may participate via videoconferencing as set forth herein. Physical absence and request to participate via videoconference due to extraordinary circumstances shall be noticed to the Board Chair and Town Clerk as soon as reasonably practicable.
2. **Physical Location Quorum for Videoconferencing.** A public body may, in its discretion, use videoconferencing to conduct its meetings, provided that a minimum number of members are present to fulfill the public body's quorum requirement in the same physical location or locations where the public can physically attend, and all other requirements set forth herein have been met.
3. **Members Viewable and Audible.** Except during an executive session, the public body shall ensure that the members of the public body 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, whether such member(s) are physically present or participating via videoconferencing.
4. **Public Participation in Videoconference.** If videoconferencing is used to conduct a meeting, the public body shall provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized, including that the videoconferencing authorizes the same (except in the case of executive sessions).
5. **Notice.** If videoconferencing is used to conduct a meeting, the public notice for such meeting shall inform the public that 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 identify the physical location for the meeting where the public can attend.
6. **Minutes.** Minutes of any meetings which involves videoconferencing shall include which, if any, members participated remotely and shall be made available to the public pursuant to NY Open Meetings Law.
7. **Recordings and Transcription.** Each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the Town'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.
8. **State of Emergency.** Provisions of this Policy may be waived or altered during a State of Emergency, all in accordance with NY Open Meetings Law.
9. **Policy on Website.** This Policy shall be posted on the Town of Henrietta website.

Local Law Filing

www.dos.state.ny.us/corps

(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.

Town of Henrietta

Local Law No. 11 of 2022

BE IT ENACTED, by the Town Board of the Town of Henrietta, Monroe County, State of New York, as follows:

Section I. Authorization

The adoption of this Local Law is in accordance with Public Officers Law Section 103-a, which expressly authorizes the Town Board to adopt a local law allowing members of public bodies of the Town to participate in public meetings via videoconference from locations not accessible to the public so long as a quorum of the body participates from location(s) where the public may be physically present and other conditions are met.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 11 of 2022 to Permit Members of the Public Bodies of the Town of Henrietta to Participate in Meetings via Videoconference, and its purpose is to provide the members of the public bodies of the Town of Henrietta with the authority to participate in public meetings via videoconference in a manner consistent with the Town's videoconferencing policy and the authority granted via Public Officers Law Section 103-a.

Section III. Legislative Intent and Finding

The Henrietta Town Board finds that, as authorized pursuant to NY Public Officers Law Section 103-a, the members of its public bodies shall be permitted to participate in public meetings via videoconferencing.

Section IV. Authorization of Videoconferencing for Public Meetings

Chapter 155 of the Town Code shall be established, entitled "Meetings," and shall read as follows:

Section 180-1. Generally.

The public bodies of the Town of Henrietta shall conduct meetings as required by the New York Open Meetings Law, as applicable.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 180-2. Videoconferencing.

Members of the public bodies of the Town are authorized to participate in public meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a and the Town's videoconferencing policy adopted by the Town Board and on file with the Town.

Section V. Validity and Severability

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

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Henrietta which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VIII. Effective Date

This Local Law will take effect immediately.

AS ACTED UPON DURING A DULY NOTICED OPEN MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, HELD AT THE HENRIETTA TOWN HALL AT 475 CALKINS ROAD, HENRIETTA, NEW YORK ON MAY 25, 2022 AT 6:00 P.M.

RESOLUTION #11-193/2022

To adopt Local Law No. 11 of 2022 to amend the Henrietta Town Code to permit Videoconferencing under updated New York Open Meetings Law and to adopt Videoconferencing Policy and Procedures in connection with the same.

On Motion of
Councilmember Bolzner

Seconded by
Supervisor Schultz

WHEREAS, a public hearing has been duly advertised and held on a proposed local law to "Permit Members of the Public Bodies of the Town of Henrietta to Participate in Meetings Via Videoconference;" and

WHEREAS, the Henrietta Town Board, after due deliberation, finds it in the best interest of the Town to adopt said local law, for all the reasons set forth therein; and

WHEREAS, in connection with such local law, the Town Board is also considering approval of its Videoconferencing Policy and Procedure as required by law.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby approves and adopts said Local Law No. 11 of 2022 to Permit Members of the Public Bodies of the Town of Henrietta to participate in meetings via videoconference, which Local Law is attached hereto, incorporated herein, and made a part hereof.

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

BE IT FURTHER RESOLVED, that the Town Board also approves the Town of Henrietta Videoconferencing Policy and Procedure, as attached hereto, which is hereby incorporated herein and made a part hereof.

Duly put to a vote:

Councilmember Sefranek	Aye
Councilmember Bolzner	Aye
Councilmember Page	Aye
Councilmember Bellanca	Aye
Supervisor Schultz	Aye

RESOLUTION ADOPTED

This is to certify that the foregoing is a true copy of a record on file in the Town Clerk's office, Town of Henrietta, New York. Do not accept this copy unless the raised seal of the issuing locality is affixed thereon.

Date: May 26, 2022
J.P. 2 Miranda

Deputy Town Clerk