Local Law No. 2 of the year 2022
Town of Pound Ridge, County of Westchester

A LOCAL LAW ALLOWING MEMBERS OF PUBLIC BODIES OF THE TOWN OF POUND RIDGE TO PARTICIPATE IN PUBLIC MEETINGS VIA VIDEOCONFERENCE FROM LOCATIONS OUTSIDE THE TOWN’S GEOGRAPHICAL LIMITS

Be it enacted by the Town Board of the Town of Pound Ridge as follows:

 Additions are reflected with Underlining

 Deletions are reflected with ~~Strikethrough~~

SECTION 1. LEGISLATIVE INTENT

This local law amends the Code of the Town to enable all Town public bodies to participate remotely in meeting by videoconference in accordance with state and local law.

SECTION 2. AUTHORITY

This local law is adopted pursuant to Public Officers Law §103-a, entitled “Videoconferencing by public bodies” authorizing local governments, subject to the adoption of a local law, to conduct meetings using videoconferencing technology so long as a quorum of the public body is physically present at one or more of the locations where the public can also attend in person.

SECTION 3. AMENDMENTS TO THE TOWN CODE

The Code of the Town of Pound Ridge is hereby amended by adding a new Chapter **[Number TBD]**, entitled “Videoconferencing,” to read as follows:

**SECTION [Number TBD]-1. Authority**

**This Chapter is adopted pursuant to the authority conferred by Public Officers Law §103-a, which expressly authorizes local governments to permit by local law the use of videoconferencing by public bodies.**

**SECTION [Number TBD]-2. Videoconferencing**

1. **All public bodies of the Town of Pound Ridge are authorized to use videoconferencing technology to conduct their meetings in accordance with the provisions of §103-a of the Public Officers Law, subject to the following conditions:**
2. **A minimum number of members of the public body sufficient to fulfill the public body’s quorum requirement must be present in the same physical location where the public can attend.**
3. **All members of the public body shall be physically present at any meeting of the public body unless a member is unable to be physically present due to extraordinary circumstances including but not limited to disability; illness; quarantine order; the death of an immediate family member where such term is defined to include a spouse, parent, sibling, child, domestic partner, or individual for whom the member is the designated guardian; caregiving responsibilities for an immediate family member, or any other significant or unexpected factor that may preclude physical attendance.**
4. **A member who wishes to participate in a meeting by videoconference must provide advance notice and justification for their absence to the extent possible to the appointed leadership of the public body. For purposes of the Town Board, such notice shall be provided to the Town Supervisor, or in the Town Supervisor’s absence, to the Deputy Town Supervisor.**
5. **The leadership of a public body may require any member requesting to participate in a meeting by teleconference to provide documentation, to the extent possible, supporting such request and may publicly confirm that such documentation was received without publicly stating the contents of such documentation.**
6. **Except in the case of executive sessions, the public body shall ensure that members who are participating remotely can be heard, seen, and identified at all times when the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon.**
7. **The minutes of meetings involving videoconferencing shall state which members, if any, participated by videoconference, and shall be available to the public.**
8. **If videoconferencing is being used to conduct a meeting, the public notice for the 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 shall identify the physical location for the meeting where the public can attend.**
9. **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 and shall ensure that videoconferencing authorizes the same public participation as in-person participation.**
10. **The public body shall provide that each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the public website of the Town within five business days following the meeting, and shall remain so available for a minimum of five years thereafter.**
11. **Any and all videoconferencing technology used for public meetings shall be made accessible to members of the body and the public with disabilities in accordance with the Americans with Disabilities Act of 1990, as amended.**
12. **Nothing herein shall prohibit a Town of Pound Ridge public body from holding meetings entirely by videoconference, with no in-person requirement, during a state of emergency declared by the Governor of New York pursuant to Executive Law §28 or by the Westchester County Executive or Town Supervisor of Pound Ridge pursuant to Executive Law §24 if such public body determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in-person meeting.**
13. **These written procedures governing member attendance by videoconference at meetings of public bodies, together with any supplemental, but not contrary, written procedures that public bodies may adopt on the subject of videoconferencing, shall be conspicuously posted on the Town of Pound Ridge’s website.**

**SECTION [Number TBD]-3. Severability**

**If any clause, sentence paragraph section, or part of the article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.**

SECTION 4. INCORPORATION

The Town Clerk shall cause the amendments effected by this Local Law to be incorporated into the Code of the Town of Pound Ridge

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect upon passage, public hearing, and filing with the Secretary of State in accordance with §27 of the Municipal Home Rule Law and shall be deemed repealed on July 1, 2024, unless extended by State Legislature.