

**TOWN OF DUANESBURG
INTRODUCTORY LOCAL LAW NO. ___ OF 2022**

A Local Law to Opt-In to the New Provisions of the Open Meetings Law

BE IT ENACTED by the Town Board of the Town of Duanesburg, in the County of Schenectady, State of New York, as follows:

SECTION 1. TITLE.

This “Local Law” shall be known as “A Local Law to Opt-In to the New Provisions of the Open Meetings Law”.

SECTION 2. PURPOSE AND INTENT.

The Town of Duanesburg desires to opt-in to the new provisions of the Open Meetings Law that allow government officials in New York to remotely participate in meetings until 2024. The new and more permanent solution balances the competing interests of transparency and full accessibility to individuals with disabilities. Accordingly, it is hereby declared to be the policy of the Town of Duanesburg to opt-in to the new provisions of the Open Meetings Law.

SECTION 3. AUTHORITY.

This local law is adopted pursuant to New York State Municipal Home Rule Law and the new provisions of the NYS Open Meetings Law found in the Public Officers Law.

SECTION 4. AMENDMENT

The Town Board of the Town of Duanesburg, hereby opts-in to the following updated provisions of the Public Officers Law:

- The Town shall provide an opportunity for the public to attend, listen and meetings in at least one physical location at which a member participates. In order to hold videoconference meetings, the Town must adhere to the following requirements:
 1. Members of the Town shall be physically present at any meeting of such public body unless such member is unable to be physically present at any such public body due to extraordinary circumstances due to:
 - a. Disability;
 - b. Illness;
 - c. Caregiving responsibilities;
 - d. Any other significant or unexpected factor or event which precludes a member’s physical attendance at such meeting;
 2. At any meeting of a Town, a majority of members, sufficient to meet the minimum requirements for a quorum of the public body, shall be physically present in one or more locations at which the public can attend;
 3. Except at an executive session, the Town 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;
4. Minutes of any meetings involving videoconferencing shall include which, if any, members participated remotely and shall be available to the public pursuant to § 106 of the Public Officers Law;
 5. If videoconferencing is 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 identify the physical location for the meeting where the public can attend;
 6. 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;
 7. 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 or testimony as in person participation or testimony; and
 8. Nothing here is intended to prohibit or impede a public body's ability to conduct an executive session in compliance with § 105 of the Public Officers Law or for members to otherwise meet when not conducting official Town business (i.e. attendance at educational and similar events) in compliance with the provisions of the Public Officers Law, nor shall anything set forth herein alter any requirements previously established by the Town for meetings of other groups which are not subject to the Open Meetings Law.
- The in-person participation requirements will not apply during a state disaster emergency declared by the governor or a local state of emergency proclaimed by the Town Supervisor pursuant to section twenty-four of the executive law, if the Town determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Town to hold an in person meeting.
 - Open meetings of the Town that are broadcast or that use videoconferencing shall utilize technology to permit access by members of the public with disabilities consistent with the Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this section, "disability" shall have the meaning defined in section two hundred ninety-two of the executive law."

SECTION 5. SEVERABILITY

If any word, clause, sentence, paragraph, section or part of this local law or the application thereof shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder of this local law or the application thereof and shall be limited to the part directly involved in the controversy and adjudged invalid. The Town Board hereby declares that it would have enacted this local law or the remainder thereof if the invalidity of such provision or application had been apparent.

SECTION 6. EFFECTIVE DATE

This local law shall take effect upon filing in the office of the New York State Secretary of State in accordance with the New York State Municipal Home Rule Law.