LOCAL LAW 4 – 2022

A Local Law to allow for the use of videoconferencing by the Board of Trustees and all Village of Mamaroneck Committees or Subcommittees.

BE IT ENACTED by the Board of Trustees of the Village of Mamaroneck as follows:

Section 1.

The Code of the Village of Mamaroneck is amended by adding Chapter 79, as follows:

Chapter 79
Meeting by Videoconference

§ 79-1 Use of videoconferencing to conduct meetings of the Board of Trustees and Village committees and subcommittees.

A. Legislative findings and intent

(1) Section 103-a of the Public Officers Law of the State of New York provides that a "public body may, in its discretion, use videoconferencing to conduct its meetings pursuant to the requirements of this article 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 attend", if "the governing board of a… village has adopted a local law… following a public hearing, authorizing the use of videoconferencing for itself and its committees or subcommittees" and that the public body has established written procedures "governing member and public attendance consistent with this section."

(2) The Board of Trustees finds and determines that the option to use videoconferencing to conduct its meetings would allow for greater opportunity to participate in meetings by members of the Board of Trustees and the Village's committees and subcommittees that they otherwise might not be able to due to extraordinary circumstances;

(3) The Board of Trustees intends by adopting this local law to exercise the authority granted to it under Public Officers Law § 103-a.

B. Use of videoconferencing to participate in meetings of the Village Board of Trustees and meetings of Village committees and subcommittees.

The Board of Trustees of the Village of Mamaroneck, County of Westchester, hereby authorizes the use of videoconferencing to conduct meetings of the Board of Trustees and of Village Committees and Subcommittees pursuant to the requirements of Public Officers Law § 103-a, in accordance with the following procedures:

(1) A minimum number of members of the Board of Trustees, committee or subcommittee must be present to fulfill the respective quorum requirements in the same physical location or locations where the public can attend;

(2) Each member of the Board of Trustees, committee, or subcommittee must be physically present at the meeting unless the member is unable to be physically present at the meeting's location due to extraordinary circumstances including, but not limited to, disability, illness, caregiving responsibilities, family responsibilities, work-related responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at the meeting;

(3) Except in the case of executive sessions conducted pursuant to Public Officers' Law § 105, the Board of Trustees, committee, or subcommittee will ensure that each member 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) The minutes of meetings involving videoconferencing must include which members, if any, participated remotely and must be available to the public pursuant to Public Officers' Law § 106;

(5) If videoconferencing is used to conduct a meeting, the public notice for the meeting must inform the public that videoconferencing will be used, where the public can view and/or participate in the meeting and where required documents and records will be posted or available, and must identify the physical location for the meeting where the public can attend;

(6) The Board of Trustees, committee, or subcommittee must provide that each meeting conducted using videoconferencing will be recorded and that the recording is posted or linked on the Village of Mamaroneck's public website within five business days following the meeting, that the recording will remain so available for a minimum of five years thereafter and will be transcribed upon request;

(7) If videoconferencing is used to conduct a meeting, the Board of Trustees, committee, or subcommittee must provide the opportunity for members of the public to view the meeting via video and to participate in proceedings via videoconference in real time where public comment or participation is authorized and must ensure that videoconferencing authorizes the same public participation or testimony as in person participation or testimony; and

(8) Open meetings of the Board of Trustees, committee, or subcommittee that are broadcast or that use videoconferencing must utilize technology that permits access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and the corresponding guidelines. For the purposes of this section, "disability" has the meaning defined in Executive Law §292.

Section 2.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

Section 3.

This law is adopted pursuant to the authority granted by Public Officers Law § 103-a Municipal Home Rule Law §10(1)(e)(3) and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

Section 4.

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.