

Changes to Open Meetings Laws: A Summary for Libraries

A new bill was introduced that amended Open Meetings Law to make permanent (until July 1, 2024) the expanded use of videoconferencing by public bodies to conduct open meetings, under extraordinary circumstances, regardless of a declaration of emergency.

The Board is allowed to have members meet remotely, regardless of extraordinary circumstances, if the location(s) is open to in-person public attendance as it was prior to the pandemic. This does require that the address of the meeting location be published so the public would have access to that location.

Each board must decide if they will permit members to participate remotely at a location that does not allow for in-person physical attendance of the public, *under extraordinary circumstances*. The law does not require that boards permit this.

If a board decides to allow members to participate remotely at a location that does not allow for in-person physical attendance of the public *under extraordinary circumstances*, they must:

- Pass a resolution authorizing such remote attendance, and must establish written procedures (template provided) that set forth what they determine to be “*extraordinary circumstances*.”
 - The Law includes a non-exhaustive list of examples of such circumstances, “including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.”
- Must provide the public the opportunity to view remotely as well as at the physical location. Members of the public meeting via videoconferencing have the right to speak during a public comment period or other authorized time.
- Teleconferencing is not an allowable form of remote participation for a board member. The law requires that the board members be heard, seen, and identified throughout the meeting.

Important requirements for meetings that allow members to participate remotely.

- Only members attending the meeting at a physical location that is open to the public will count toward a quorum.
- Members in locations not accessible to the public may participate and vote, but will not count toward the quorum.
- Meeting minutes must detail which members, if any, participated remotely.
- Boards are **required** to record all meetings if videoconferencing is used. The recordings to be posted or linked on the library website within five business days of the meeting where they must remain there for five years. Transcripts must be provided upon request. Recording and transcription are not required during executive session.

The Law states that the “in person” participation requirements of the Law shall not apply during a state disaster emergency declared by the governor pursuant to section twenty-eight of the executive law, or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to section twenty-four of the executive law, if the 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.