

NEW HIGHMARK STADIUM COMMUNITY BENEFITS OVERSIGHT COMMITTEE

WRITTEN PROCEDURES GOVERNING VIDEOCONFERENCING PARTICIPATION PURSUANT TO NY OPEN MEETINGS LAW

In compliance with New York Public Officers Law (“NY OML”), Article 7, Section 103-a(2)(a), the Community Benefits Oversight Committee (“CBOC”), following a public hearing, authorized by resolution on [INSERT DATE], the use of videoconferencing in accordance with Section 103-a of NY OML. These procedures shall be conspicuously posted on the CBOC’s website (<https://www3.erie.gov/eo/community-benefits-oversight-committee>).

The following procedures are hereby established to satisfy the requirements of NY OML §103-a(2)(b) that public bodies must establish written procedures governing member and public participation to permit its members, under Extraordinary Circumstances (as defined below), to participate in meetings by videoconference from private locations.

1. CBOC MEMBER ATTENDANCE.

a. Quorum Requirement.

- i. The CBOC may use videoconferencing to conduct public meetings in accordance with these procedures, provided that the minimum number of members needed to fulfill the quorum requirement is present in the same physical location or locations where the public can attend. A CBOC Member who is participating from a remote location that is not open to in-person physical attendance by the public shall not count toward a quorum of the CBOC, but may participate and vote if there is a quorum of members at a physical location(s) open to the public.
- ii. Pursuant to NY OML, a quorum is present when a majority of CBOC Members gather (i) for the purpose of discussing public business; and (ii) the meeting is convened open to the public, whether or not there is an intent to take action and regardless of the manner in which such gathering may be characterized.

b. Exception to Physical Participation. Except as set forth in these procedures, members of the CBOC (“CBOC Members”) shall be physically present at any public meeting of the CBOC unless such CBOC Member is unable to be physically present at one of the designated public meeting locations due to Extraordinary Circumstances.

c. Extraordinary Circumstances. For purposes of these procedures, “Extraordinary Circumstances” means:

- i. Disability of a CBOC Member;
- ii. Illness of a CBOC Member;
- iii. Caregiving responsibilities; or
- iv. Any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting.

2. **NOTICE OF VIDEOCONFERENCING REQUEST.**

- a. If a CBOC Member is unable to be physically present at one of the designated public meeting locations and wishes to participate by videoconferencing from a private location due to Extraordinary Circumstances, the CBOC Member must notify the Chair and Secretary of the CBOC by submitting the form set forth in Exhibit A (the “**Notice Form**”), attached hereto and incorporated by reference, no later than ten (10) business days prior to the scheduled meeting in order for proper notice to the public to be given.
- b. If an Extraordinary Circumstance arises within ten (10) business days of the scheduled meeting, the CBOC Member shall notify the Chair and Secretary of the CBOC immediately by submitting the Notice Form so that the CBOC has an opportunity to amend the notice of the meeting.
- c. The Chair may, in his/her/their discretion, determine that any certain meeting is ineligible for remote participation under Extraordinary Circumstances due to particular administrative needs, technological limitations, or other consideration(s).

3. **PUBLIC NOTICE.**

- a. The public notice for the meeting shall inform the public as follows:
 - i. That videoconferencing will, or may, be used;
 - ii. Where the public can view and/or participate in such meeting;
 - iii. Where required documents and records will be posted or available; and
 - iv. Where the public can attend the meeting in-person.

4. **ADDITIONAL RULES FOR VIDEOCONFERENCED MEETINGS.**

- a. **CBOC Member Identification.** Except in the case of executive sessions conducted pursuant to NY OML § 105, the CBOC shall ensure that any CBOC Member participating via videoconference 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. This shall include the use of first and last name placards physically placed in front of the members or, for members participating by videoconferencing from private locations due to Extraordinary Circumstances, such members must ensure that their full first and last name appears on their videoconferencing screen. Any CBOC Member that participates from a remote location shall ensure that his/her/their audio and visual connections are operational.

- b. Meeting Minutes. The minutes of the meetings involving videoconferencing based on Extraordinary Circumstances pursuant to NY OML § 103-a shall include which, if any, members participated by videoconferencing from a private location due to such Extraordinary Circumstances.
- c. Meeting Recording. Each open portion of any CBOC meeting conducted using videoconferencing due to Extraordinary Circumstances must be recorded. The recording:
 - i. Must be posted on or linked to the CBOC's website within five (5) business days following the meeting;
 - ii. Must remain available for a minimum of five (5) years thereafter; and
 - iii. Shall be transcribed upon request.
- d. Public Comment. If CBOC Members are authorized to participate by videoconferencing from a private location due to Extraordinary Circumstances, the CBOC shall provide the opportunity for members of the public to view such meeting by video, and to participate in proceedings by videoconference in real time where public comment or participation is authorized. The CBOC shall ensure that where videoconferencing is used, it authorizes the same public participation or testimony as in person participation or testimony. Any person determined by the Chair to be out of order in an inappropriate manner may be muted or rejected from the meeting.
- e. Americans with Disabilities Act Compliance. Open meetings of the CBOC conducted via videoconferencing due to Extraordinary Circumstances pursuant to the provisions of NY OML § 103-a shall:
 - i. Be broadcast pursuant to the requirements of NY OML § 103(f) and shall utilize technology to permit access by members of the public with disabilities; and
 - ii. consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this guideline, "disability" shall have the meaning defined in Executive Law § 292.

5. **EXCEPTIONS TO IN-PERSON PARTICIPATION.**

- a. The in-person participation requirements of NY OML § 103-a(2)(c) shall not apply during a state disaster emergency declared by the governor pursuant to Executive Law § 28 if the CBOC determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the CBOC to hold an in-person meeting.

EXHIBIT A

REQUEST FORM FOR VIDEOCONFERENCING PARTICIPATION

Request Date:	
Meeting Date:	
Member Name:	
Reason for Physical Absence (Check All That Apply):	<input type="checkbox"/> Disability of CBOC Member <input type="checkbox"/> Illness of CBOC Member <input type="checkbox"/> Caregiving <input type="checkbox"/> Other – Please describe:

For Chair Use Only:

Date Request Received:	
Date Request Approved:	
Request Approved By:	
Signature:	