

VIDEOCONFERENCE POLICY EOHWC

Approved May 26, 2022

Members of the EOHWC Board of Directors, the Executive Committee, the Audit Committee, Governance Committee, or Finance Committee may participate in a meeting by using videoconferencing technology in compliance with this policy. This policy may be amended from time to time by resolution of the EOHWC Executive Committee. This policy shall be posted on the EOHWC's website.

Location or Locations of Board Attendance. At least a quorum of the members of the board or committee must participate from (i) EOHWC's administrative office, or (ii) any other location or locations open to the public in facilities that permit barrier-free physical access to the physically handicapped in compliance with the OML (each a "Meeting Location"). A Meeting Location shall be within the US. For example, a meeting may be held via videoconference when a quorum of the members of the Executive Committee are physically present at the EOHWC administrative office and the public is allowed to attend at that Meeting Location or a quorum of members of the EC are participating via videoconference but from different locations such as a town hall or county office building and the public is allowed to be physically present at each of those Meeting Locations.

Extraordinary Circumstances Videoconference Participation. Members of the board or committee must be physically present at one of the Meeting Locations at which the public can attend in person unless the member is unable to be physically present due to extraordinary circumstances, which include disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting. Such significant or unexpected factor may include vacation periods or periods when a member is working away from their home location, not exceeding four weeks in a calendar year, or when a member is unable to attend at a Meeting Location as a result of unexpected travel difficulties. The member who is unable to attend at a Meeting Location will notify the Secretary and Office Manager as soon as practicable that they are unable to attend for a reason that constitutes such extraordinary circumstance.

Public participation. If a meeting is to be held via videoconference, the meeting notice posted on the website will either include the link 24 hours before the meeting or will inform the public as to where to send the request for the videoconference link.

Notice of Meetings. If the board or committee uses videoconferencing to conduct a meeting, the public notice for the meeting must inform the public that videoconferencing will be used and must include directions for how the public can view and/or participate in such meeting via videoconference. The notice also must include the Meeting Location or Meeting Locations where the quorum of the body will be located. Notices are to be published on the EOHWC website, together with proposed resolutions and public materials to be discussed, at least 24 hours prior to the meeting to the extent practicable.

The board or committee may direct the Office Manager and Secretary to regularly include notice of videoconferencing for their meetings with the Meeting Locations identified by each member of the board or committee to the Secretary annually or at the beginning of their term of office, or if not so directed, the President may determine from time to time that videoconferencing will be used for a particular meeting or meetings and the Meeting Locations to be included in the notice.

So long as required by the Agreement between the NYS DEP and EOHWC (CRO-574) or any successor agreement (“Funding Agreement”), the EOHWC will distribute to NYCDEP at the same time it distributes to its board or committee members, all correspondence, meeting notices and materials for board and committee meetings.

Minutes and Record. Except in the case of executive sessions, the board or committee shall ensure that members 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. Minutes of a meeting held via videoconferencing must identify members of the board or committee who participated via videoconference. Minutes shall be made available consistent with the provisions of OML Section 106, which requires that minutes must be made available within one week of executive session and two weeks of a regular meeting. A transcription of the meeting, which may be prepared using the automatic transcription available through the videoconferencing technology, need only be done upon request.

Website Posting. A recording of the meeting must be posted or linked to the EOHWC website within five business days of the meeting. The records of meeting shall remain so posted or linked for a period of 5 years from the date of the meeting. Records shall continue to be maintained for a period of 7 years from creation to the extent required by the Funding Agreement.

Technology. Videoconferencing will use the system subscribed by the EOHWC administrative office, currently Zoom. All login credentials to access records of meetings will be provided to the Secretary of the Board and the Office Manager. The videoconferencing technology should allow participants with disabilities to participate in a manner consistent with the American with Disabilities Act. Staff and committees not listed above may use videoconferencing or teleconferencing and are not subject to these procedures, except that any subscription paid for by EOHWC will have credentials on file with the Secretary of the Board and the Office Manager.

Emergencies. If the governor, county, or town declares a state of emergency pursuant to Executive Law § 24, members of a public body are permitted to videoconference from locations that are not accessible to the public for the duration of the state of emergency to the extent determined necessary by the public body.

Continuation of COVID emergency: Public bodies may continue to conduct meetings following the remote meeting procedure that was authorized pursuant to Executive Order 11 and Chapter 1 of the Laws of 2022 during the COVID pandemic to the extent permitted by law.