

Adopted _____, 2022

Introduced by _____
who moved its adoption

Seconded by _____

**RESOLUTION AUTHORIZING THE USE OF VIDEOCONFERENCING IN
EXTRAORDINARY CIRCUMSTANCES BY THE FULTON COUNTY INDUSTRIAL
DEVELOPMENT AGENCY**

WHEREAS, Chapter 56 of the laws of 2022 relating to the New York State Budget for 2022-2023 State fiscal year included an Amendment to the Open Meetings Law (OML) to make permanent (until July 1, 2024) the expanded use of videoconferencing by public bodies to conduct meetings, under extraordinary circumstances, regardless of a declaration of emergency; and

WHEREAS, the Fulton County Industrial Development Agency (IDA) has successfully utilized videoconferencing during the COVID pandemic and would like the ability to continue to utilize videoconferencing, and

WHEREAS, it conducted a Public Hearing on June 14, 2022 to obtain public input on having the IDA continuing to use videoconferencing

NOW, THEREFORE, BE IT

RESOLVED that the IDA Board hereby establishes the following guidelines and procedures for the IDA to utilize videoconferencing:

1. IDA members shall be physically present at all meetings unless a member is unable to be physically present due to extraordinary circumstances which shall include:
 - a. Disability
 - b. Illness
 - c. Caregiving responsibilities
 - d. Family death
 - e. Lack of transportation to/from the meeting
 - f. Weather
 - g. Out of Town
 - h. Other significant or unexpected factors or events which precludes an IDA member's physical attendance at a meeting.
2. Any IDA member who participates at a physical location that is open to in-person physical attendance by the public (and which location has been included in the meeting notice) may count toward a quorum and may fully participate and vote in the meeting. If there is a quorum of members at a physical location open to the public, the IDA may properly convene a meeting.
3. An IDA member who is participating from a remote location due to extraordinary circumstances that is not open to in-person physical attendance by the public may not be counted toward a quorum of the public body. Said IDA member may participate and vote if there is a quorum of members at a physical location open to the public.

4. If the IDA uses videoconferencing to conduct a meeting, the public notice for the meeting must inform the public that videoconferencing will be used and that one or more members may be participating via videoconference due to extraordinary circumstances and must include directions for how the public can view and/or participate (if participation is permitted) in such meeting. The IDA shall provide the opportunity for members of the public to view the meeting, using remote technology or in person, in real time.
5. The minutes of all IDA meetings involving videoconferencing shall include which, if any, IDA members participated remotely.
6. Any IDA member appearing by videoconference shall be on video and remain on video for the duration of the meeting unless said member has a conflict of interest with an item in the Agenda and said member leaves the meeting while the topic is discussed.
7. All IDA meetings conducted using videoconferencing shall be recorded and such recordings posted or linked on the IDA'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."

And be it further

RESOLVED that the in-person participation requirements of Public Officers Law above 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, and be it further

RESOLVED that this Resolution shall take effect immediately.

The foregoing resolution was thereupon declared duly adopted.

AYES:

NAYS:

ABSENT:

ABSTAIN:

I, James E. Mraz, Executive Director of the Fulton County Industrial Development Agency, hereby certify that I have compared the foregoing resolution with the original resolution, adopted by the Fulton County Industrial Development Agency, at a duly called and held meeting of said Agency on the ____ day of _____ 2022, and the same is a true and correct transcript there from and the whole thereof.

Witness my hand and official seal
this ____ day of _____, 2022

James E. Mraz, Executive Director