

# The Bronxville Public Library Procedures Governing the Use of Videoconferencing Pursuant to the Open Meetings Law

Pursuant to Chapter 56 of the Laws of 2022, which created a new Section 103-a in the Open Meetings Law, the Bronxville Public Library (“Library”) adopted resolutions on February 9, 2023 authorizing the use of videoconferencing to conduct its meetings consistent with the following procedures:

- Videoconferencing may be used for a meeting at which a minimum number of members are present to fulfill the Board’s quorum requirement in the same physical location or locations where the public can attend;
- Members of the Board shall be physically present at any such meeting unless such member is unable to be physically present at the designated public meeting location(s) due to extraordinary circumstances. For purposes of these procedures, the term “extraordinary circumstances” include, for example: (i) a Trustee or extended household member is at higher risk of serious illness from infection with a communicable disease (for example, COVID-19), as set forth in relevant public health guidance; (ii) quarantining due to exposure to a communicable disease; (iii) family or dependent care responsibilities; (iv) disability; (v) injury; (vi) illness; (vii) any Trustee who determines they are not available to attend a meeting in-person due to the need for significant travel; and (viii) any other significant or unexpected factor or event which precludes the Trustee's physical attendance at such meeting (for example, significant weather-related events or travel disruptions). This list is not exhaustive. Should a Trustee be unable to be physically present due to such extraordinary circumstances, they must notify the Library in advance of the meeting.
- If there is a quorum of members participating at a physical location(s) open to the public, the Board may properly convene a meeting. A 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 but may participate and vote, if a voting member, if there is a quorum of members at a physical location(s) open to the public.
- Except in the case of executive sessions conducted pursuant to Section 105 of the Open Meetings Law, the Board shall ensure that its 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.

- The minutes of the meetings involving videoconferencing shall include which, if any, Trustees participated remotely and shall be available to the public pursuant to Section 106 of the Open Meetings Law;
- If videoconferencing is used to conduct a meeting, the Library's public notice for the meeting shall inform the public that videoconferencing will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or available, and identify the physical location for the meeting where the public can attend.
- For any meeting at which videoconferencing will be used, the Library shall record the meeting and post or link such recording on its public website within five (5) business days following the meeting, which link or post shall remain so available for a minimum of five (5) years thereafter. Such recordings shall be transcribed upon request.
- For any meeting at which videoconferencing will be used, the Library shall provide the opportunity for members of the public to view such meetings via video in real time.
- Open meetings conducted using extraordinary circumstances videoconferencing pursuant to the provisions of Section 103-a of the Open Meetings Law shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act ("ADA"), as amended, and corresponding guidelines. For the purposes of these procedures, "disability" shall have the meaning defined in Executive Law § 292.
- During a state disaster emergency declared by the governor pursuant to Section 28 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 24 of the Executive Law, if the Library determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in person meeting, then Trustees may join the meeting using videoconferencing.
- These procedures shall be conspicuously posted on the Library's website.

*Adopted by the BPL Board of Trustees on February 23, 2023*