

The Open Meetings Law and Virtual Meetings

Recording date: Sept. 16, 2021

Link to recording:

<https://us02web.zoom.us/rec/share/iegUFs2qWdl6hTtsnA9kcXDzvpW64wH5SP2x0-jUxjZOkqpfuVp00GylRtMfFQAi.eil054BSajG85BgN>



- Generally speaking, any meeting of a public body must be open to the public if a quorum of the board is present
- Prior to 2020, videoconferencing was authorized under the Open Meetings Law as long as the public had the ability to attend, listen and observe at any site from where the videoconferencing occurred – the videoconferencing site essentially acted as another meeting location
 - Towns also have the additional requirement in Town Law that meetings take place within town boundaries
- During the COVID-19 state disaster emergency, Executive Order 202.1 authorized public bodies to meet and conduct business remotely, as long as the public had the ability to view or listen to the meeting, and the meeting was thereafter recorded and transcribed. This executive order expired on June 24, 2021 with the end of the state disaster emergency
- **Chapter 417 of the Laws of 2021 Part E:** In one of her first acts as governor, Gov. Kathy Hochul signed legislation authorizing local public bodies and public corporations to conduct meetings virtually / remotely. Similar to the executive order, in order to conduct meetings remotely, the town board must:
 - Provide the public with the ability to view or listen to the meeting; and
 - Ensure that the meeting is recorded and thereafter transcribed
- Notice – for regularly scheduled public meetings, the town has to notify the news media at least 72 hours in advance (note: publication in the paper is **not** required) and post notice on the clerk’s signboard of the meeting. If the town is offering a virtual meeting via an online platform or conference call, the notice to the news media and on the signboard must include instructions on how to “attend” the meeting (e.g, include the meeting link and password)
- Virtual meetings and public comment – similar to in-person meetings, the town does not have to provide for public comment during a board meeting or other meeting – unless it is a public hearing. If the board does allow public comment during virtual meetings, it is important to have rules of procedure in place governing the public comment period (e.g., comments are limited to two minutes).
- **The authorization to conduct remote meetings is in effect until January 15, 2022.**

Questions to consider:

Can we limit capacity?

Can we have a hybrid meeting?

Can we refuse to allow the public to attend in person?

Can we make people register for in-person attendance ahead of time?

What does transcribed mean? When does it have to be prepared by?