



## **Procedures for Trustee Videoconferencing** **Pursuant to Public Officers Law § 103-a**

In compliance with Public Officers Law (POL) § 103-a(2)(a), the Buffalo & Erie County Public Library Board of Trustees, following a public hearing, authorized by resolution on October 20, 2022 the use of videoconferencing as described in POL § 103-a.

The following procedures are hereby established to satisfy the requirement of POL § 103-a(2)(b) that any public body which in its discretion wishes to permit its members to participate in meetings by videoconferencing from private locations – under extraordinary circumstances – must establish written procedures governing member and public attendance.

1. B&ECPL Board members shall be physically present at any meeting of the B&ECPL Board of Trustees unless such member is unable to be physically present at one of the designated public meeting locations due to extraordinary circumstances.
2. For purposes of these procedures, the term “extraordinary circumstances” includes disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event that precludes the member’s physical attendance at such meeting.
3. If a 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 member must notify the Assistant to the Director as soon as practicable.
4. If there is a quorum of members participating at the physical location(s) open to the public, the B&ECPL Board of Trustees 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 of the B&ECPL Board of Trustees but may participate and vote if there is a quorum of members at the physical location(s) open to the public.
5. Except in the case of executive sessions conducted pursuant to POL § 105, the B&ECPL Board of Trustees 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. 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.

6. The minutes of the meetings involving videoconferencing based on extraordinary circumstances pursuant to POL § 103-a shall include which, if any, members participated by videoconferencing from a private location due to such extraordinary circumstances.
7. The public notice for the meeting shall inform the public: (i) that extraordinary circumstances 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) the physical location(s) for the meeting where the public can attend.
8. The B&ECPL Board of Trustees shall provide that each open portion of any meeting conducted using extraordinary circumstances videoconferencing shall be recorded, and such recordings shall be posted or linked on the B&ECPL website within five business days following the meeting and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.
9. If members of the B&ECPL Board of Trustees are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the B&ECPL Board of Trustees 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 B&ECPL Board of Trustees shall ensure that where extraordinary circumstances videoconferencing is used, it authorizes the same public participation or testimony as in person participation or testimony.
10. Open meetings of the B&ECPL Board of Trustees conducted using extraordinary circumstances videoconferencing pursuant to the provisions of POL § 103-a 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 this guideline, "disability" shall have the meaning defined in Executive Law § 292.
11. The in-person participation requirements of POL § 103-a(2)(c) shall not apply during a state disaster emergency declared by the governor pursuant to Executive Law § 28 or a local state of emergency proclaimed by the chief executive of Erie County or City of Buffalo pursuant to § 24 of the Executive

Law if the B&ECPL Board of Trustees determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the B&ECPL Board of Trustees to hold an in- person meeting.

12. These procedures shall be conspicuously posted on the B&ECPL website.