

BABYLON PUBLIC LIBRARY
Resolution Regarding the Use of Hybrid Meetings
Under Section 103 of the Open Meetings Law

WHEREAS, by passing Chapter 56 of the laws of 2022 (“Chapter 56”), the New York State Legislature amended Section 103 of the Open Meetings Law; and

WHEREAS, Chapter 56 adds Section 103-a of the Open Meetings law, permitting the Babylon Public Library to authorize its members to attend meetings by videoconferencing under extraordinary circumstances; and

WHEREAS, Section 103-a(2) allows for hybrid meetings by requiring “that a minimum number of members are present to fulfill the public body’s quorum requirement in the same physical location or locations where the public can attend”; and

WHEREAS, Section 103-a(2)(c) requires that members be physically present at any such meetings “unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances . . . including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting”; and

WHEREAS, in accordance with Section 103-a(2)(d), any members attending by videoconference must, except during executive session, 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”; and

WHEREAS, Section 103-a(2)(g) requires that any meeting where a member attends by videoconference be recorded, posted to the Babylon Public Library’s webpage within five business days, and transcribed upon request; and

WHEREAS, Section 103-a(2)(h) requires that members of the public be permitted to view the meeting via video and participate in real time where public comment or participation is authorized and that videoconferencing authorizes the same public participation or testimony as in person participation or testimony; and

BE IT RESOLVED, that the Babylon Public Library authorize its members who experience an extraordinary circumstance, as described above and further defined by any rules or written procedures adopted or amended by the Board, from time to time, to attend meetings by videoconference: (i) as long as a quorum of the members attend in-person at one or more locations open to the public; (ii) as long as the member can be seen, heard, and identified while the open portion of the meeting is being conducted; and (iii) as otherwise permitted by law; and

BE IT FURTHER RESOLVED, that the Babylon Public Library hereby adopts the Babylon Public Library Procedures for Member Videoconferencing Pursuant to Public Officers Law Section 103-a, as annexed hereto and made a part hereof, which further govern its use of videoconferencing by its members in compliance with Chapter 56 of the Laws of 2022.

BABYLON PUBLIC LIBRARY
Procedures for Member Videoconferencing Pursuant
to Public Officers Law Section 103-a

In compliance with Public Officers Law (POL) Section 103-a(2)(a), the Babylon Public Library, following a public hearing, authorized by resolution the use of videoconferencing as described in POL Section 103-a.

The following procedures are hereby established to satisfy the requirement of Public Officers Law 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. Babylon Public Library Board members shall be physically present at any meeting of the Babylon Public Library Board or its committees (as applicable), 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” can be determined by the affected Board member, subject to approval by the Board President or in his/her absence or inability, the Board Vice President, on a case-by-case basis and could include, without limitation, disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which 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 take reasonable efforts to notify the President of the Board or, in his/her absence or if the President is the affected member then the Vice President of the Board, no later than four business days prior to the scheduled meeting if proper revised notice to the public must be given. If extraordinary circumstances present themselves on an emergent basis within four days of a meeting, the Babylon Public Library shall update its notice, if needed, as soon as practicable to include that information or may reschedule its meeting.
4. If there is a quorum of members participating at a physical location(s) open to the public, the Babylon Public Library 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 Babylon Public Library’s Board, but that Board member may participate and vote if there is a quorum of members at a physical location(s) open to the public.
5. Except in the case of executive sessions conducted pursuant to Public Officers Law Section 105, the Babylon Public Library 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 Public Officers Law 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 Babylon Public Library shall provide that each open portion of any meeting conducted using extraordinary circumstances videoconferencing shall be recorded and such recordings posted or linked on the Babylon Public Library's website within five business days following the meetings and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.
9. If members of the Babylon Public Library are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the Babylon Public Library 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 Babylon Public Library 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 Babylon Public Library conducted using extraordinary circumstances videoconferencing pursuant to the provisions of Public Officers Law 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 Section 292.
11. The in-person participation requirements of Public Officers Law Section 103-a(2)(c) shall not apply during a state disaster emergency declared by the governor pursuant to Executive Law Section 28 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 Board of the Babylon Public Library determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Babylon Public Library Board to hold an in-person meeting.
12. These procedures shall be conspicuously posted on the Babylon Public Library's website.