

## Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village  
(Select one.)

of Westchester

Local Law No. 12 of the year 2022

A **LOCAL LAW** authorizing the use of videoconferencing for members of the County Board, its committees, and its subcommittees.

Be it enacted by the County Board of the  
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village  
(Select one.)

of Westchester

as follows:

**Section 1.** Chapter 107 of the Laws of Westchester County is hereby amended to read as follows:

**Sec. 107.101. Authorization for the use of videoconferencing to conduct meetings.**

1. The County Board, its committees, and its subcommittees are authorized to use videoconferencing to conduct meetings in a manner consistent with the requirements set forth in New York State Public Officers Law, Article 7, §103-a, and subject to the following conditions:
  - a. A quorum of the County Board, committee, or subcommittee shall be physically present in the same physical location or locations where the public can attend;
  - b. Members of the County Board, its committees, and its subcommittees, at the discretion of the Chair of the County Board and under extraordinary circumstances, may participate in meetings through the use of videoconferencing from locations not accessible to the public. The County Board shall establish written procedures governing member and public attendance, and setting forth what constitutes "extraordinary circumstances" (which shall include disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at a meeting), and the procedures for the certification of extraordinary circumstances by members on a case-by-case basis. The written procedures shall be conspicuously posted on the public website of the County Board, committee, or subcommittee, as applicable;

(If additional space is needed, attach pages the same size as this sheet, and number each.)

- c. A member experiencing an extraordinary circumstance and participating in a meeting through videoconferencing need not (i) notice the remote location from which the member participates or (ii) allow for in-person physical attendance by the public at the member's remote location;
  - d. Any member not physically present at a meeting and participating remotely in a meeting through the use of videoconferencing due to extraordinary circumstances shall not count towards a quorum; however, a member may participate and vote through the use of videoconferencing if there is a quorum of other members physically present at the meeting in the same physical location or locations where the public can attend;
  - e. Except in the case of executive sessions, all members, including any member experiencing an extraordinary circumstance and participating in a meeting through videoconferencing, must be heard, seen, and identified while the meeting is being conducted;
  - f. The minutes of meetings involving videoconferencing must include which, if any, members participated remotely;
  - g. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall (i) inform the public (A) that videoconferencing will be used, (B) where the public can view and/or participate in the meeting, (C) where required documents and records will be posted or available, and (ii) identify the physical location for the meeting where the public can attend;
  - h. Meetings conducted using videoconferencing shall be recorded and the recording shall be posted on or linked to the public website of the County Board, or of the relevant committee or subcommittee, within five (5) business days following the meeting, and shall remain so available for a minimum of five (5) years thereafter. These recordings must be transcribed upon request;
  - i. If videoconferencing is used to conduct a meeting, the County Board, committee, or subcommittee, as applicable, shall provide the public with the opportunity to view the meeting through video and participate, to the extent public participation is authorized, through videoconferencing in real time, and shall ensure that videoconferencing authorizes the same public participation or testimony as in-person participation or testimony.
  - j. In person participation requirements for members shall not apply during a state disaster emergency declared by the Governor of New York, or a local state of emergency proclaimed by the Westchester County Executive, if the County Board determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the County Board or its committees to hold in person meetings.
2. Severability. If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

## **Section 2. Effective Date.**

This Local Law shall take effect immediately and shall expire and be deemed repealed July 1, 2024, unless extended.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

(Name of Legislative Body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. 12 of 2022 of the (County)(City)(Town)(Village) of Westchester was duly passed by the

Board of Legislators on June 27, 2022, and was (approved)(not-approved)

(Name of Legislative Body)

(repassed after disapproval) by the County Executive and was deemed duly adopted (Elective Chief Executive Officer\*)

on June 29, 2022, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local (Elective Chief Executive Officer\*)

law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, \_\_\_\_\_ 2 \_\_\_\_\_ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 6/30 /22