

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 MILTON

Local Law No. 1 of the year 2024

A local law Creating a Video Conferencing Policy
(Insert Title)

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

County City Town Village
(Select one:)

of MILTON as follows:

Be it enacted by the Town Board of the Town of Milton as follows:

See Attached

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

(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. 1 of 2024 of the (County)(City)(Town)(Village) of MILTON was duly passed by the Town Board on January 24 2024, 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. _____ 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 _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , 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 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 _____ above.



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

Date: January 26, 2024

(Seal)

Town of Milton

VIDEOCONFERENCING POLICY

A. Introduction

1. The Town of Milton recognizes the benefits of allowing members of the Town's local public bodies to attend meetings using videoconferencing technology. On _____, 2023, the Town Board adopted a local law to authorize the use of videoconferencing for itself and all boards, committees and subcommittees of the Town which are subject to the New York State Open Meetings Law, Public Officers Law, Article 7.
2. This Videoconferencing Policy shall govern member and public attendance and participation where board members choose to attend the public meeting via videoconferencing pursuant to Section 103-a of the Open Meetings Law.
3. This Videoconferencing Policy shall be posted on the Town website.

B. Remote Meeting Attendance by Board Members

1. Members of a public body shall be physically present at all meetings of such public body unless such member is unable to be physically present at any such meeting location due to the following extraordinary circumstances:
 - a. Disability;
 - b. Illness;
 - c. Health Concerns;
 - d. Caregiving responsibilities; or
 - e. Other significant or unexpected factor or event which precludes the member's physical attendance at such meeting.
2. The majority of the public body must conduct the public meeting from a physical location or locations where the public can attend. A physical location is any location identified in the meeting notice that is open to in-person public attendance.
 - a. For example, no less than three members of the Town Board (a five member Board), or a quorum if a committee must conduct the meeting in the same physical location or locations where the public can attend the

meeting. If two Board members are sick and two Board members are on vacation, the public meeting must be cancelled because only one Board member is available to meet in-person (or in any physical location open to the public). All four members cannot participate in the public meeting using video-conferencing from a location that is not open to in-person public attendance.

b. The five member Town Board may conduct a meeting where two members attend the meeting from Town Hall, two members attend using videoconferencing where their physical locations are open to the public and such locations have been identified in the meeting notice, and one member attends using videoconferencing where their location is not open to the public.

3. Board or Committee members wishing to attend a public meeting using videoconferencing technology from a location not open to the public, must advise the Supervisor or Chair of said public body as early as possible before the scheduled meeting that they are unable to be physically present at the meeting. The public notice for such 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 or locations for the meeting where the public can attend.

a. If a member of the public body plans to attend a meeting using videoconferencing technology from a location open to the public pursuant to Public Officers Law § 104(4), such member must advise the chair of such public body at least 72 hours before the meeting to ensure that the public body has enough time to post the required public meeting notice. The public notice for such meeting shall inform the public that videoconferencing will be used and shall identify the location for the meeting, and state that the public has the right to attend the meeting at any of the locations.

4. Except in the case of executive sessions conducted pursuant to Public Officers Law §105, the Supervisor or chair shall ensure that all members of the public body, including those attending via videoconferencing, 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. Any board member attending a public meeting via videoconferencing technology must have their video turned on for the duration of the meeting.

5. During the meeting, the Supervisor or chair shall announce the name or names of those members participating remotely. This information shall be included in the minutes.
6. Each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the public website of the public body within five (5) business days following the meeting, and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.
7. If videoconferencing is used to conduct a meeting from locations not open to the public pursuant to Public Officers Law § 103-a, the public body shall provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconferencing in real time where public comment or participation is authorized and shall ensure that videoconferencing authorizes the same public participation or testimony as in-person participation or testimony.
8. If a vote takes place during the meeting, the remote attendee will be entitled to participate in the vote as usual.
9. Meetings that use videoconferencing 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.

C. Exemptions

1. The provisions of this Policy and Public Officers Law §103-a do not limit the existing authority set forth in the Public Officers Law §104(4) which allows all public bodies to remotely connect multiple public locations from which members and the public may attend. The Town's public bodies may continue to hold proper open meetings by videoconferencing from multiple physical locations which are identified in the meeting notice, open to the public and connected remotely together by videoconferencing.
2. The in person participation requirements set forth in this Policy and Public Officers Law § 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 Supervisor pursuant to Executive Law § 24 if the Governor or the Supervisor determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in person meeting.

D. Remote Meeting Etiquette for Board Members

1. Board members that attend a public meeting via videoconferencing technology are expected to comply with the following rules:
 - a. Be on time.
 - b. Keep your camera on at all times.
 - c. Ensure your technology works correctly.
 - d. Wear appropriate clothing.
 - e. Frame the camera correctly.
 - f. Have the right light.
 - g. Pay attention.
 - h. Mute yourself when not speaking.
 - i. Minimize distractions in the room.
 - j. Maintain appropriate backgrounds.
 - k. Silence all background noises.
 - l. Ensure your displayed participant name is correct.
 - m. Be mindful to look into the camera as much as possible.

E. Public Participation via Videoconferencing Technology

1. Questions will be answered in the order they are received. Participants attending a meeting via videoconferencing technology shall be called upon to speak following in-person speakers.
2. Participants must use the “Raise Hand” function to verbally ask a question. To raise one’s hand, click the “Participants” button in the bottom toolbar, then click the “Raise Hand” button at the bottom of the “Participants” dialogue box. Participants who have joined the meeting solely via phone can dial *9 to raise their hand.

3. Remote meeting participants must wait until authorized to speak by the Supervisor or chair. Only remote speakers with a digital hand raised shall be called upon to speak.
4. Participants shall not type any questions or comments in the chat box. Please note, chats sent privately through a private chat box will show up on the administrator's downloaded transcript.
5. Participants must mute themselves when not speaking to cut down on background noise.

F. Amendments

This Policy can be amended from time to time, at any time, by Resolution of the Town Board.