

LOCAL LAW NO. 5 OF 2022

A LOCAL LAW adding a new Chapter 5 of the Code of the Village of Dering Harbor entitled Administration of Government with a new Article I to allow public bodies of the Village to hold meetings via videoconferencing.

BE IT ENACTED by the Board of Trustees of the Village of Dering Harbor as follows:

SECTION 1. Legislative Intent. As part of its response to the COVID-19 pandemic, by emergency declarations New York State authorized local governments to utilize videoconferencing to conduct the business of the locality, including, but not limited to, meetings of the Board of Trustees of the Village of Dering Harbor, as well as local land use boards such as the Zoning Board of Appeals, Architectural Review Board and Planning Board. As a result of this accommodation, public participation was maintained – and likely enhanced – throughout the pandemic by the public’s ability to access these local government boards through videoconferencing.

Given this realization, the New York State legislature has worked to amend New York State Public Officers Law to permanently allow remote public participation, while still ensuring the ability of the public and the media to directly access government officials, in person. The result is an amendment to New York State Public Officers Law through the enactment of §103-a, realized as Part WW of Chapter 56 of the Laws of 2022, which enables local governments, in their discretion, to use videoconferencing to conduct their meetings, provided 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 certain criteria are met.

The Board of Trustees of the Village of Dering Harbor seeks to authorize the use of this option. Thus, the purpose of this local law is to authorize the Village’s public bodies, in their discretion, to have the flexibility to hold meetings using videoconferencing technology in a manner consistent with Public Officers Law §103-a. The Village Board will adopt videoconferencing procedures by resolution to further identify the manner in which videoconferencing will occur.

SECTION 2. Amendment. The Code of the Village of Dering Harbor is amended by adding a new Chapter 5 entitled Administration of Government with Article I entitled Videoconferencing to read in its entirety as follows:

CHAPTER 5 ADMINISTRATION OF GOVERNMENT ARTICLE I VIDEOCONFERENCING

§5-1. Videoconferencing at Meetings of Public Bodies.

- A. Pursuant to Section 103-a of the New York State Public Officers Law, the Village’s public bodies (as such term is used in such Section) are authorized to hold meetings using videoconferencing technology in a manner consistent with Public Officers Law §103-a and written procedures governing member and public attendance to be established by resolution of the Board of Trustees.
- B. Such written procedures governing member and public attendance shall be consistent with the Public Officers Law §103-a and may be amended or modified from time to time by the Board of Trustees as it may deem necessary or desirable.

- C. Such written procedures shall be conspicuously posted on the website of the Village of Dering Harbor.
- D. Nothing herein shall require any public body to utilize videoconferencing technology. Rather, the decision to use videoconferencing technology at any meeting or meetings shall be discretionary on the part of such public body.

SECTION 3 Authority. The proposed local law is enacted pursuant to This local law is adopted pursuant to the New York State Public Officers Law §103-a.

SECTION 4. Severability. If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION 5. Effective Date. This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.