

# 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 Olean, New York

FILED  
STATE RECORDS

AUG 17 2022

DEPARTMENT OF STATE

Local Law No. 01-2022 of the year 2022

A local law pursuant to Public Officer's Law §103-a authorizing the use of videoconferencing within  
(Insert Title)  
the City of Olean

Be it enacted by the Common Council of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Olean, New York as follows:

## Section 1. Legislative Intent

It is the intent of this local law to authorize the City of Olean to conduct meetings consistent with the videoconferencing provisions of Public Officers Law §103-a and the videoconferencing policies adopted by the City of Olean Common Council.

## Section 2. Authority

This local law is adopted pursuant to Public Officers Law §103-a, which expressly authorizes the Common Council to adopt local legislation, authorizing the use of videoconferencing.

## Section 3. Videoconferencing for Public Meetings

The Common Council of the City of Olean, County of Cattaraugus, hereby authorizes the use of videoconferencing when conducting meetings of the Common Council subject to the following:

1. A quorum of the members of the Common Council are physically present at the meeting in one or more physical

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

locations at which members of the public may attend the meeting.

1. Members of the Common Council are physically present at the meeting location(s) at which the public can attend in person unless the member of the Common Council is unable to be physically present due to extraordinary circumstances:
  - a. Extraordinary circumstances is defined to include any disability or illness, caregiving responsibilities, or any significant or unexpected factor or event that precludes the Common Council member's physical attendance at such meeting.
  - b. Extraordinary circumstances must be certified by email or other written means to the City Clerk by the member of the Common Council in accordance with the Common Council's videoconferencing policies and procedures and not less than 72 hours prior to any meeting.
2. Except in the case of executive sessions conducted pursuant to Public Officers Law §105, members of the Common Council must be able to 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.
3. The minutes of meetings involving videoconferencing must include which, if any, members of the Common Council participated using videoconferencing technologies.
  - a. Such minutes must be made available to the public pursuant to Public Officers Law §106.
  - b. Any meeting that uses videoconferencing must be recorded and such recordings must be posted to or linked on the Common Council website within five business days of the meeting. The recordings must remain available for a minimum of five years thereafter and recordings must be transcribed upon request.
4. The public notice for any meeting involving videoconferencing must:
  - a. Inform the public that:
    - i. videoconferencing will be used,
    - ii. where members of the public can view and/or participate in such meeting via videoconference, and
    - iii. where required documents and records will be posted or available; and

- b. Identify the physical location(s) where members of the Common Council will be physically present at the meeting and where members of the public can attend the meeting in person.
5. Members of the public are able to view the video broadcast of any meeting using videoconferencing simultaneously when the meeting is conducted. Additionally, at meetings where public comment or participation is authorized by the Common Council, members of the public are able to participate in the proceedings using videoconferencing technologies in real time and with the same opportunities for public participation or testimony as in-person participation or testimony.
6. The Common Council may conduct meetings entirely by videoconference, with no in-person requirement, provided that:
  - a. A state of emergency is declared by the Governor of the State of New York pursuant to Executive Order §28, or
  - b. A local state of emergency is declared by the Mayor of the City of Olean pursuant to Executive Law §24, and the Common Council determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in-person meeting.
7. Whenever the Common Council invokes the emergency exception as defined in paragraph 7 and takes action at such meeting without allowing members of the public to be physically present, the Common Council must acknowledge the previous meeting(s) and summarize any action(s) taken thereat at the next immediate meeting where the public is allowed to attend. The Common Council must produce minutes of such emergency meetings pursuant to the requirements of Public Officers Law §106.

#### Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

#### Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

**(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. 01-2022 of 2022 of the ~~(County)(City)(Town)(Village)~~ of Olean, New York was duly passed by the Common Council on August 9 2022, in accordance with the applicable ~~(Name of Legislative Body)~~ provisions of law.

**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 \_\_\_\_\_ 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 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, 1 above.



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

Date: 8/10/2022

(Seal)

