

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2022**

**A LOCAL LAW AMENDING CHAPTER 24 OF THE TOWN CODE
ENTITLED “GOVERNMENTAL OPERATIONS”**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 24 of the Town Code entitled “Governmental Operations” in order to authorize the Town Board, Board of Zoning and Appeals, Historic Landmarks Preservation Commission, and all committees or subcommittees of the Town of North Hempstead to participate in meetings via videoconference in a manner consistent with the Town Board Rules of Procedure and the authority granted in Public Officers Law § 103-a.

Section 2. Authority.

This local law is adopted pursuant to Public Officers Law § 103-a, which expressly authorizes the Town Board to adopt a local law giving the Town Board, Board of Zoning and Appeals, Historic Landmarks Commission, and all committees or subcommittees of the Town of North Hempstead the authority to participate in meetings via videoconference from locations not accessible to the public so long as a quorum of the applicable body participates from locations where the public may be physically present and other conditions are met.

Section 3.

Chapter 24 of the Town Code of the Town of North Hempstead is hereby amended to add Article XIII as follows:

Article XIII
USE OF VIDEOCONFERENCING TECHNOLOGY
TO PARTICIPATE IN PUBLIC MEETINGS

§ 24-97 through § 24-99. (Reserved)

§ 24-100 Legislative intent.

It is the intent of this local law to give the Town Board, Board of Zoning and Appeals, Historic Landmarks Preservation Commission, and all committees or subcommittees of the Town of North Hempstead, the authority to participate in meetings via videoconference in a manner consistent with the Town Board Rules of Procedure and the authority granted in Public Officers Law § 103-a. The Town Board of the Town of North Hempstead shall, in their discretion, use videoconferencing to conduct public meetings in accordance with the procedures set forth in this section.

§ 24-101 Definitions.

For the purpose of this Article, the following terms shall have the meanings indicated:

EXTRAORDINARY CIRCUMSTANCES

Disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes a member of a public body from being physically present.

HYBRID MEETING

A meeting at which there is a mix of physically present and virtually present members participating.

PHYSICALLY PRESENT

When a member or members are actually present at the physical location for the meeting shown in the meeting's public notice.

PUBLIC BODY

The Town Board and any Town Commission as the term is defined in Section 16A-7 of the Town Code.

QUORUM

A majority of the whole membership of the public body.

VIRTUALLY PRESENT

When a member or members participate in a public meeting virtually, using video conferencing.

§ 24-102 Videoconferencing for Public Meetings.

- A. The Town Board authorizes members of a public body to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a, the Town Board Rules of Procedure and this Article.**
- B. Where videoconferencing is utilized to conduct public meetings of a public body of the Town of North Hempstead:**
- (1) At least a quorum of the public body must be physically present at all hybrid meetings.**
 - (2) Member(s) of the public body may be virtually present at a hybrid meeting, via videoconferencing, only under extraordinary circumstances.**
 - (3) A member who wishes to participate in a meeting by videoconference must provide advance notice and justification for their absence to the extent possible, consistent with applicable law, to the other members of the public**

body.

- (4) Members of the public shall be provided the opportunity to view such meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized. The public body shall ensure that videoconferencing authorizes the same public participation or testimony as in person participation or testimony.
- (5) Except in the case of executive sessions conducted pursuant to §105 of the New York Public Officers Law, the public body shall ensure its members can be heard, seen, and identified during the hybrid meeting, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon.
- (6) The hybrid meeting minutes shall identify the names of the members of the public body who participated remotely and the names of the members who participated physically in person.
- (7) The public notice of the hybrid meeting shall inform the public where to view and participate in the meeting virtually, the physical location for the meeting where the public may attend and participate and identify where required documents and records will be posted or made available.
- (8) The in-person participation requirements of subdivision (1) of this section shall not apply during a state disaster emergency declared by the governor pursuant to §28 of the Executive Law of New York State, or a local state of emergency proclaimed by the County Executive of Nassau County, or the Town Supervisor pursuant to §24 of the Executive Law of New York State, if the Town Board determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Town Board to hold an in-person meeting.
- (9) Each hybrid meeting conducted using videoconferencing shall be recorded and such recordings shall be linked to or posted on the Town's website within five business days following the meeting and shall remain so available for a minimum of five years thereafter.
- (10) Hybrid meetings of the public body that are broadcast or 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. For purposes of this subdivision, "disability" shall have the meaning defined in §292 the Executive Law of New York State.
- (11) These written procedures governing videoconferencing in extraordinary circumstances shall be conspicuously posted on the Town's website.

Section 3. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this article or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this article, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective Date and Repealer

This Local Law shall take effect immediately upon filing with the Secretary of State and shall expire and be deemed repealed on July 1, 2024.