



# Village of Elmsford New York

15 South Stone Avenue  
Elmsford, New York 10523

**Written Procedures Pursuant to Open Meetings Law § 103-a for Remote Attendance by Members at Meetings of the Village's Boards, Committees and Commissions That Qualify as "Public Bodies"**

In compliance with NYS Public Officers Law, Article 7 ("Open Meetings Law" or "OML") Section 103-a(2)(a), on April 10, 2023, following a duly noticed public hearing and upon action taken by its Board of Trustees adopting a local law, the Village of Elmsford ("Village") authorized members of its boards, committees and commissions that qualify as "public bodies" under Open Meetings Law<sup>i</sup> (the "Village's Boards") to use videoconferencing for remote attendance at public meetings.

The following procedures are hereby established to satisfy the requirement of OML Section 103-a(2)(b) that any public body which in its discretion wishes to permit its members "under extraordinary circumstances" to participate in meetings by videoconferencing from private locations must establish written procedures governing such attendance.

1. Each member of the Village's Boards ("Member") shall be physically present at any meeting of said board unless such Member is unable to be physically present at one of any designated open meeting locations due to extraordinary circumstances.
2. For purposes of these written procedures, the term "extraordinary circumstances" includes any significant, unexpected or unforeseen circumstance, event or factor which precludes the Member's physical attendance at such meeting, including, but not limited to, disability, illness, caregiving responsibilities, obligations of Member's elected office or place of employment, public emergency, natural disaster, accident, vehicular malfunction or travel delay.
3. If a Member is unable to be physically present at one of any designated open meeting locations and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the Member must notify the Village Administrator or in his/her absence, the Village Clerk, and self-certify the existence of an extraordinary circumstance no later than four (4) business days prior to the scheduled meeting to ensure that OML-compliant notice is provided to the public. If extraordinary circumstances present themselves to a Member on an emergent basis within four (4) days of a meeting, upon receipt of the Member's notification, the Village shall

provide for an OML-compliant meeting notice as soon as practicable. If the Village is unable to provide an OML-compliant notice of the meeting, the Village may reschedule the meeting.

4. If there is a quorum of the Village's Board participating at a single physical location or at a combination of physical locations, with each location being open to the public, the Village's Board may properly convene a meeting. A Member who is participating from a remote location that is not open to the public shall not count toward a quorum of the Village's Board but may participate and vote if there is a quorum of Members physically present at the location(s) open to the public.
5. Except in the case of executive sessions conducted pursuant to OML Section 105, the Village's Board shall ensure that its Members 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 by any reasonable method, such as verbal introductions or through the use of placards physically placed in front of the Members, and for a Member participating by videoconferencing from private locations due to extraordinary circumstances, such Member must ensure that their full first and last name appears on their videoconferencing screen or on a placard placed conspicuously within view of the camera in front of the Member.
6. The minutes of any meetings of the Village's Boards involving videoconferencing based on extraordinary circumstances pursuant to OML Section 103-a shall include which, if any, Member participated by videoconferencing from a private location due to such extraordinary circumstances.
7. Public notice for any meeting of the Village's Boards shall inform the public: (i) that extraordinary circumstances videoconferencing will (or may) be used, (ii) where the public can view and/or participate in such meeting, (iii) where required documents and records will be posted or made available, and (iv) the physical location(s) for the meeting where the public can attend.
8. Each open portion of any meeting of the Village's Boards conducted using extraordinary circumstances videoconferencing shall be recorded and such recordings shall be posted or linked on the Village website within five business days following the meeting. Such recordings shall remain available for a minimum of five (5) years after posting thereafter. Such recordings shall be transcribed only upon request.
9. If Members are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the Village shall provide the opportunity for members of the public to view such meeting by video, and to participate in proceedings by videoconference in real time where public comment or participation is authorized. The Village shall ensure that where extraordinary circumstances videoconferencing is used, it authorizes the same public participation or testimony as in person participation or testimony.
10. Meetings of the Village's Boards conducted using extraordinary circumstances videoconferencing pursuant to the provisions of OML Section 103-a 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 the purposes of this guideline, “disability” shall have the meaning defined in NYS Executive Law Section 292.

11. The in-person participation requirements of OML Section 103-a(2)(c) shall not apply during any period of state disaster emergency declared by the Governor pursuant to Executive Law Section 28 or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to Section 24 of the Executive Law if the Village determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Village’s Boards to hold an in-person meeting.
12. These procedures shall be conspicuously posted on the Village of Elmsford website at [www.elmsfordny.org](http://www.elmsfordny.org)

**Adopted by Resolution of the Board of Trustees of the Village of Elmsford at a meeting held on April 10, 2023.**

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<sup>i</sup> Public Officers Law, §102 Definitions. (2) “Public body” means any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body consisting of members of such public body or an entity created or appointed to perform a necessary function in the decision-making process for which a quorum is required in order to conduct public business and which consists of two or more members. A necessary function in the decision-making process shall not include the provision of recommendations or guidance which is purely advisory, and which does not require further action by the state or agency or department thereof or public corporation as defined in section sixty-six of the general construction law.