Proposed for Public Vote at Annual Meeting, December 2026

Cornell Cooperative Extension Orange County

Resolution Authorizing Videoconferencing Under Extraordinary Circumstances

to comply with NYS open meetings law

This resolution includes disability, illness, caregiving responsibilities, weather-related disruptions, and other significant or unexpected circumstances that prevent a Board member from attending in person. It also incorporates the statutory exception allowing certain members with disabilities to count toward a quorum while participating remotely.

The resolution and accompanying procedures below are intended to be adopted together, following the required public hearing.

WHEREAS clauses

WHEREAS, Cornell Cooperative Extension Orange County (hereinafter referred to as the "Association") is subject to the New York State Open Meetings Law, Public Officers Law Article 7, with respect to meetings of its Board of Directors and other public bodies to which that law applies; and

WHEREAS, Chapter 56 of the Laws of 2022, as subsequently amended, established Public Officers Law § 103-a, authorizing public bodies to permit members to participate in meetings by videoconferencing under extraordinary circumstances, subject to statutory requirements; and

WHEREAS, Public Officers Law § 103-a(2)(a) requires a public body to adopt a resolution following a public hearing before authorizing the use of extraordinary-circumstances videoconferencing; and

WHEREAS, Public Officers Law § 103-a(2)(c) provides that members shall be physically present at a meeting location open to the public unless extraordinary circumstances prevent their physical attendance, including disability, illness, caregiving responsibilities, or another significant or unexpected factor or event; and

WHEREAS, Public Officers Law § 103-a(2)(c) further permits a public body, through its adopted written procedures, to allow a member with a qualifying disability that prevents in-person attendance at any publicly accessible meeting location to be counted toward the quorum while participating remotely, provided that all applicable statutory conditions are satisfied; and

WHEREAS, Public Officers Law § 103-a(2)(b) requires the Association to establish written procedures governing member and public attendance and to conspicuously post those procedures on its public website; and

WHEREAS, Public Officers Law § 103-a(2)(d) through (h) establishes requirements concerning the identification of participating members, meeting minutes, public notice, meeting recordings, and public access and participation; and

WHEREAS, the Association desires to provide reasonable flexibility for Board members who are unable to attend meetings in person while maintaining transparency, public accessibility, and compliance with the Open Meetings Law;

NOW, THEREFORE, BE IT RESOLVED:

1. Authorization of videoconferencing

The Board of Directors of Cornell Cooperative Extension Orange County hereby authorizes its members to participate in meetings by videoconferencing from private locations when extraordinary circumstances prevent their physical attendance at a designated public meeting location, in accordance with Public Officers Law § 103-a and the procedures established herein.

This authorization shall also apply to committees and subcommittees of the Board to the extent that they constitute public bodies subject to the Open Meetings Law.

2. Definition of extraordinary circumstances

For purposes of this resolution, extraordinary circumstances shall include, but shall not be limited to:

a. Disability, including a temporary or permanent physical or mental impairment that prevents the member from attending a meeting in person.

b. Illness or a medical condition that prevents the member's physical attendance.

c. Caregiving responsibilities, including responsibilities involving children, elderly family members, individuals with disabilities, or other persons requiring care, when those responsibilities prevent the member's physical attendance.

d. Significant or unexpected weather conditions, travel disruptions, or other events that prevent the member from safely or reasonably attending the meeting in person.

e. Any other significant or unexpected factor or event that precludes the member's physical attendance at a designated public meeting location.

A member's request to participate remotely shall be evaluated in good faith based on the circumstances presented.

Remote participation shall not be authorized solely for personal convenience or routine scheduling preferences when no qualifying extraordinary circumstance exists.

Legal authority: New York State Public Officers Law § 103-a(2)(c).

3. Notification and determination

A Board member seeking to participate remotely due to extraordinary circumstances shall notify the Board President and Executive Director as soon as practicable before the scheduled meeting.

The member shall provide a general explanation of the circumstances preventing in-person attendance.

The Board President, in consultation with the Executive Director, shall determine whether the circumstances qualify under this resolution and whether the Association can satisfy the applicable statutory requirements for remote participation.

When extraordinary circumstances arise unexpectedly, the Association shall make reasonable efforts to accommodate the member's remote participation while maintaining compliance with the Open Meetings Law.

A member shall not be required to publicly disclose confidential medical information or other sensitive personal details as a condition of requesting remote participation.

4. Quorum and voting

A quorum of the Board shall be physically present at one or more meeting locations open to the public, except as otherwise expressly permitted by Public Officers Law § 103-a.

A member participating remotely from a private location due to extraordinary circumstances may participate in discussions, make motions, and vote, provided that a lawful quorum has been established and all other statutory requirements are satisfied.

A member participating remotely from a private location shall not ordinarily count toward the quorum.

Disability-related quorum exception: A member with a disability as defined in New York State Executive Law § 292, where such disability renders the member unable to participate in person at any meeting location open to the public, may be counted toward the quorum while participating remotely, provided that:

a. The member meets the statutory disability-related criteria.

b. The meeting is conducted in accordance with Public Officers Law § 103-a.

c. At least one physical location remains available where the public may attend the meeting.

d. All remaining statutory requirements concerning public notice, access, participation, and videoconferencing are satisfied.

The Association shall administer this exception in accordance with applicable disability and reasonable accommodation requirements.

Legal authority: Public Officers Law § 103-a(2) and § 103-a(2)(c); Executive Law § 292.

5. Visibility and identification of members

Except during executive sessions conducted pursuant to Public Officers Law § 105, members participating remotely shall be heard, seen, and identified while the meeting is being conducted.

This requirement applies to discussions, motions, proposals, resolutions, voting, and other matters formally considered by the Board.

Remote members shall display their first and last names on the videoconferencing platform.

Telephone-only participation from a private location shall not satisfy the requirements for extraordinary-circumstances videoconferencing.

Legal authority: Public Officers Law § 103-a(2)(d).

6. Public notice and participation

When extraordinary-circumstances videoconferencing is used, the Association shall provide public notice identifying:

a. The date and time of the meeting.

b. The physical meeting location or locations where the public may attend.

c. The means by which the public may view the meeting remotely.

d. The means by which members of the public may participate remotely when public comment or participation is authorized.

e. Where required meeting documents and records will be posted or otherwise made available.

When public comment or participation is authorized, the Association shall provide equivalent opportunities for individuals attending remotely and in person.

Legal authority: Public Officers Law § 103-a(2)(f) and (h).

7. Recording and meeting minutes

The Association shall record the open portion of each meeting conducted using extraordinary-circumstances videoconferencing.

Recordings shall be posted or linked on the Association's public website within five business days following the meeting and shall remain publicly available for at least five years.

Recordings shall be transcribed upon request in accordance with applicable law.

Meeting minutes shall identify which members attended in person and which participated remotely.

Legal authority: Public Officers Law § 103-a(2)(e) and (g).

8. Accessibility

Meetings conducted using videoconferencing shall utilize technology that permits access by members of the public with disabilities, consistent with the Americans with Disabilities Act, as amended, and applicable accessibility requirements.

The Association shall provide reasonable accommodations to members and members of the public as required by applicable law.

Legal authority: Public Officers Law § 103-a(5).

9. Emergency circumstances

During a state disaster emergency declared pursuant to Executive Law § 28 or a local state of emergency proclaimed pursuant to Executive Law § 24, the Association may apply the exceptions to in-person participation requirements permitted by Public Officers Law § 103-a(3), provided that it determines that the circumstances necessitating the emergency declaration would affect or impair its ability to hold an in-person meeting.

All other applicable requirements of the Open Meetings Law shall remain in effect.

Legal authority: Public Officers Law § 103-a(3).

10. Adoption and implementation

BE IT FURTHER RESOLVED, that the foregoing provisions shall constitute the Association's written procedures governing extraordinary-circumstances videoconferencing pursuant to Public Officers Law § 103-a.

BE IT FURTHER RESOLVED, that the Executive Director, in consultation with the Board President, is authorized to implement these procedures and make administrative arrangements necessary to ensure compliance with the Open Meetings Law.

BE IT FURTHER RESOLVED, that these procedures shall be conspicuously posted on the Association's public website.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon adoption by the Board of Directors following the public hearing required by Public Officers Law § 103-a(2)(a), and

shall remain in effect only to the extent authorized by applicable law, unless earlier amended or rescinded by the Board.