

Resolution No. 1 of 2022

New York State Fire Prevention and Building Code Council (Code Council)

WHEREAS, Part WW of Chapter 56 of the Laws of 2022 (Part WW) amended Article 7 of the Public Officers Law (the Open Meetings Law), in relation to permitting videoconferencing and remote participation in public meetings under certain circumstances; and

WHEREAS, prior to the enactment of Part WW, the Open Meetings Law provided that when videoconferencing is used to conduct a public meeting of a public body, each member of the public body wishing to attend and participate in the meeting must be physically present at such meeting at a location where the public can attend; and

WHEREAS, Section 103-a of the Public Officers Law, as added by Part WW, permits members of a public body, under extraordinary circumstances, to attend and participate in a meeting of the public body by videoconferencing from a remote location that is not open to the public, provided that (1) the public body has adopted a resolution authorizing the use of videoconferencing, (2) the number of members of the public body who attend the meeting at location(s) where the public can attend is at least equal to the number required to satisfy the public body's quorum requirement, (3) the public body has established written procedures governing member and public attendance consistent with Section 103-a of the Public Officers Law, (4) such written procedures are conspicuously posted on the public website of the public body, and (5) the other criteria specified in Section 103-a are satisfied; and

WHEREAS, the Code Council deems it appropriate that the Code Council and any and all committees or subcommittees of the Code Council now existing or hereafter established be authorized to use videoconferencing to conduct meetings in the manner contemplated by Section 103-a of the Public Officers Law, i.e., meetings where a member who is unable to be physically present at any such meeting location due to extraordinary circumstances is permitted to attend and participate in the meeting by videoconferencing from a remote location that is not open to the public; and

WHEREAS, the Code Council also deems it appropriate that the Code Council and any and all committees or subcommittees of the Code Council continue to be authorized to use videoconferencing to conduct meetings where each member wishing to attend and participate in such meeting is physically present at such meeting at a location where the public can attend;

BE IT RESOLVED, that the Code Council hereby authorizes the Code Council and any and all committees or subcommittees of the Code Council now existing or hereafter established to use videoconferencing to conduct meetings in the manner authorized by Section 103-a of the Public Officers Law; including meetings where a member who is unable to be physically present at any such meeting location due to extraordinary circumstances is permitted to attend and participate in the meeting by videoconferencing from a remote location that is not open to the public; and be it further

RESOLVED, that, in addition, the Code Council continues to authorize the Code Council and any and all committees or subcommittees of the Code Council now existing or hereafter established to use videoconferencing to conduct meetings where each member wishing to attend and participate in such meeting is physically present at such meeting at a location where the public can attend; and be it further

RESOLVED, that the Code Council hereby adopts the Procedures Governing Member and Public Attendance at Meetings Conducted by Use of Videoconferencing annexed hereto and made part hereof (the Procedures) and directs that all meetings of the Code Council conducted by use of videoconferencing and all meetings of any committee or subcommittee of the Code Council conducted by use of videoconferencing shall be conducted in accordance with such Procedures and in accordance with the applicable provisions of the Open Meetings Law; and

WHEREAS, the Code Council is a council within the Department of State, and, for the purposes of the Open Meetings Law, the public website of the Department of State is the public website of the Code Council, be it further

RESOLVED, that the attached Procedures be conspicuously posted on the public website of the Department of State.