

CSBG Advisory Council Procedures for Remote Videoconferencing by Members Pursuant to Public Officers Law § 103-a

In compliance with Public Officers Law (POL) § 103-a, the CSBG Advisory Council, following a public hearing, authorized by resolution on September 12, 2024, the use of videoconferencing as described in POL § 103-a.

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

1. The CSBG Advisory Council members shall be physically present at any meeting of the CSBG Advisory Council unless such member is unable to be physically present at one of the designated public meeting locations due to extraordinary circumstances. The CSBG Advisory Council shall maintain at least one physical location where the public can attend meetings.
2. For purposes of these procedures, the term “extraordinary circumstances” includes disability, illness, caregiving responsibilities, or any significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.
3. If a member is unable to be physically present at one of the designated public meeting locations and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the member must notify the Secretary of the CSBG Advisory Council no later than four business days prior to the scheduled meeting in order for proper notice to the public to be given.
4. If there is a quorum of members participating at a physical location(s) open to the public, the CSBG Advisory Council may properly convene a meeting. A member who is participating from a remote location that is not open to in-person physical attendance by the public *shall not* count toward a quorum of the CSBG Advisory Council but may participate and vote if there is a quorum of members at the physical location open to the public. A member participating from a remote location not open to the public due to a disability, as defined in section two hundred ninety-two of the executive law, that renders such member unable to participate in-person at any such meeting location where the public can attend, shall be considered present for purposes of filling quorum requirements.
5. Except in the case of executive sessions conducted pursuant to POL § 105, the CSBG Advisory Council 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. This shall include the use of the first and last name placards physically placed in front of members or, for members participating by videoconferencing from private locations due to extraordinary circumstances, such members must ensure that they full first and last name appear on their videoconferencing screen.
6. The minutes of the meetings involving videoconferencing based on extraordinary circumstances pursuant to POL § 103-a shall include which, if any, members participated by videoconferencing from a private location due to such extraordinary circumstances.

7. The public notice for the meeting 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 available, and
 - iv. The physical location(s) for the meeting where the public can attend.
8. The CSBG Advisory Council shall provide that each open portion of any meeting conducted using extraordinary circumstances videoconferencing shall be recorded and such recordings posted or linked in the CSBG Advisory Council's web page on the Department of State's website within five business days following the meeting, and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.
9. If members of the CSBG Advisory Council are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the CSBG Advisory Council shall provide the opportunity for members of the public to view such meeting by video, and to participate in proceedings by videoconferencing in real time where public comment or participation is authorized. The CSBG Advisory Council shall ensure that where extraordinary circumstances videoconferencing is used, it authorized the same public participation or testimony as in person participation or testimony.
10. Open meeting of the CSBG Advisory Council conducted using extraordinary circumstances videoconferencing pursuant to the provisions of POL § 103-a shall be broadcast pursuant to the requirements of POL § 103(f) and 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 guidance, "disability" shall have the meaning defined in Executive Law § 292.
11. The in-person participation requirements of POL § 103-a(2)(c) shall not apply during a state disaster emergency declared by the governor pursuant to Executive Law § 28 or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to § 24 of the Executive Law of the CSBG Advisory Council determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the CSBG Advisory Council to hold an in-person meeting.
12. These procedures shall be conspicuously posted on the CSBG Advisory Council's webpage on the Department of State's website.