



Legislation Text

File #: Res 0204-2022, **Version:** *

Preconsidered Res. No. 204

Resolution pursuant to the State Open Meetings Law providing that the Council and its Committees and Subcommittees may use videoconferencing to conduct meetings in accordance with the State Open Meetings Law and that the Speaker shall take all actions necessary to accomplish this and make any and all determinations during a disaster emergency relating to the in-person participation requirements of such law.

By Council Member Powers

WHEREAS, The Council of the City of New York (“Council”) has been meeting regularly for the entire duration of the Covid-19 pandemic, having begun virtual meetings in April of 2020 in accordance with the State Open Meetings Law as amended by the Governor’s executive orders suspending certain provisions thereof; and

WHEREAS, The Council continued its work and meetings returning to the Council Chambers for the adoption of the Fiscal Year 2022 Budget when the Executive Order suspending provisions of the State Open Meetings Law ended and returning to virtual or hybrid meetings when subsequent changes to the Open Meetings Law permitted and the circumstances of the pandemic required; and

WHEREAS, The ability to be flexible allowed for Council Members to vote when they were unable to attend meetings in person due to health or other serious limitations; and

WHEREAS, On April 9, 2022 the State Open Meetings Law was amended (Part WW of chapter 56 of the Laws of 2022) to provide that the Council could, by resolution, determine for itself and its committees or subcommittees that it may, in its discretion, upon adoption of a resolution, use videoconferencing to conduct its meetings provided that a quorum is physically present in the same physical location where the public can attend subject to certain conditions being met; now, therefore, be it

RESOLVED, That the Council of the City of New York hereby provides that it and its committees and subcommittees may use videoconferencing to conduct its meetings provided that a quorum is physically present in the same physical location where the public can attend; and be it further

RESOLVED, That Council Members shall be physically present at any such Stated or committee or subcommittee meeting unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances, including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting; and be it further

RESOLVED, That in such instances where Council Members make use of videoconferencing, the public shall also be allowed to attend the meeting by use of videoconferencing and for meetings in which the public can participate, those members of the public participating by way of videoconferencing shall be allowed to participate to the same extent as members of the public attending in person; and be it further

RESOLVED, That the Speaker shall establish, and as necessary amend, written procedures governing Council Member and public attendance consistent with the State Open Meetings Law; and be it further

RESOLVED, that the Speaker shall cause such written procedures to be conspicuously posted on the Council's website and shall take all other actions regarding notice, recordings, records and any other requirements of the State Open Meetings Law that are necessary pursuant to the State Open Meetings Law and that she deems appropriate to enable the Council to use videoconferencing to conduct its meetings; and be it further

RESOLVED, That the Speaker shall make any and all determinations pursuant to the State Open Meetings Law during a state disaster emergency declared by the governor pursuant to section twenty-eight of the Executive Law, or a local state of emergency proclaimed by the Mayor pursuant to section twenty-four of the Executive Law, that any or all of the in-person participation requirements of the State Open Meetings Law shall not apply to any meeting because the circumstances necessitating the emergency declaration would affect or impair the ability of the Council or any or all of its committees or subcommittees to hold in person meetings; and be it further

RESOLVED, That such determination by the Speaker shall be effective immediately upon its being posted on the Council's website and may apply to all Stated Meetings and committee or subcommittee meetings or to those specifically designated by the Speaker in such posting.