

## RESOLUTION

### **HAWTHORNE CEDAR KNOLLS U.F.S.D. EXTRAORDINARY CIRCUMSTANCE VIDEOCONFERENCING BY BOARD OF EDUCATION MEMBERS**

WHEREAS, chapter 56 of the Laws of 2022 added section 103-a to article 7 of the New York Public Officers Law, said article 7 being designated and commonly known as the Open Meetings Law (“OML”); and

WHEREAS, OML § 103-a provides that a public body may, in its discretion and in certain limited circumstances, conduct hybrid meetings, in which members of such public body may participate remotely using videoconferencing, provided that a minimum number of members are present to fulfill the public body's quorum requirement in the same physical location or locations where the public can attend, and certain criteria set forth in OML § 103-a(2) are met; and

WHEREAS, OML § 103-a(2)(c) requires that any member of a public body attending a meeting of such public body be physically present at such 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

WHEREAS, the Board of Education (the “Board”) of the Hawthorne Cedar Knolls Union Free District (the “District”) believes that the interests of the District and its constituents will best be served if the Board is permitted to conduct hybrid meetings when any one or more of its members are unable to be physically present at any such meeting in the same physical location or locations where the public can attend, and such inability to be physically present is 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

WHEREAS, the District will comply with all requirements of OML § 103-a in connection with any such hybrid meeting,

BE IT RESOLVED, that any member of the Board may participate in any meeting of the Board by videoconference if such member is unable to be physically present at such meeting in the same physical location or locations where the public can attend, and such inability is due to extraordinary circumstances as described above and further defined by any rules or written procedures later adopted, provided that: (1) members of the Board constituting a quorum thereof are physically present in the same physical location or locations where the public can attend attending; (2) such member can be seen, heard, and identified while the open portion of the meeting is being conducted; and (3) all requirements of OML§ 103-a are met.

## **RESOLUTION**

### **HAWTHORNE CEDAR KNOLLS U.F.S.D.**

#### **ESTABLISH PROCEDURES FOR BOARD OF EDUCATION MEMBERS TO UTILIZE EXTRAORDINARY CIRCUMSTANCE VIDEOCONFERENCING**

In compliance with section 103-a(2)(a) of the New York Open Meetings Law (“OML”), the Hawthorne Cedar Knolls Union Free School District (the “District”), following a public hearing, authorized by resolution on November 9, 2022 (the “Resolution”), the use of videoconferencing as described in OML § 103-a. To implement the Resolution, and to satisfy the requirements of OML §103-a(2)(b) regarding procedures to govern the use of such videoconferencing, the following procedures are hereby established:

1. Members of the Board of Education of the Hawthorne Cedar Knolls Union Free School District (the “Board”) attending any meeting of the Board shall be physically present in the same physical location or locations where the public can attend, except members who are unable to be physically present at any such location due to extraordinary circumstances, as set forth herein. Members who are unable to be physically present at any such location due to such extraordinary circumstances may attend by videoconference, provided that a quorum of the Board, consisting of Board members participating in such meeting in the same physical location or locations where the public can attend such meeting, is present. Members who are not physically present in the same physical location or locations where the public can attend shall not count toward a quorum of the Board but may participate and vote if there is a quorum of members at the same physical location or locations where the public can attend.
2. For purposes of these procedures, extraordinary circumstances shall be defined as: the disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at a Board meeting.
3. If videoconferencing is used to conduct a meeting of the Board pursuant to OML § 103-a and the Resolution, the public notice for the meeting shall inform the public : (a) that videoconferencing will (or may) be used due to extraordinary circumstances; (b) where the public can view and/or participate in such meeting; (c) where required documents and records will be posted or available; and (d) the physical location(s) for the meeting where the public can attend.
4. In order to be able to provide proper notice, a member of the Board who expects to be unable, due to extraordinary circumstances, to be physically present for a meeting of the Board in the same physical location or locations where the public can attend, and wishes to participate in such meeting by videoconference, shall notify the President or Vice President of the Board, no later than four business

days prior to such meeting, that the member wishes to participate by videoconference. If extraordinary circumstances present themselves on an emergent basis within four days prior to a meeting, the District shall update its notice of the scheduled meeting as soon as practicable to include that information. If it is not practicable for the District to update its notice, the District may reschedule the meeting.

5. If videoconferencing is used to conduct a meeting of the Board pursuant to OML § 103-a and the Resolution, the District shall: (a) provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized; and (b) ensure that videoconferencing authorizes the same public participation or testimony as in-person participation or testimony.
6. Except in the case of executive sessions conducted pursuant to OML § 105, the 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.
7. The minutes of the meetings involving videoconferencing pursuant to OML § 103-a and the Resolution shall include which, if any, members participated remotely.
8. All open portions of any meeting conducted by videoconference pursuant to OML § 103-a and the Resolution shall be recorded, and such recordings shall be posted or linked on the public website of the District 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. Open meetings involving videoconferencing due to extraordinary circumstances pursuant to OML § 103-a and the Resolution shall utilize technology to permit access by members of the public with disabilities consistent with the Americans with Disabilities Act of 1990, as amended, and corresponding guidelines. For the purposes of this provision, “disability,” shall have the meaning set forth in Executive Law § 292.
10. The in-person participation requirements of OML § 103-a(2)(c) shall not apply during a state of emergency declared by the governor pursuant to Executive Law § 28 or a local state of emergency proclaimed by a county executive or the chief executive officer of any city, village or town pursuant to Executive Law § 24 if the Board determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Board to hold an in-person meeting.
11. These procedures shall be posted on the public website of the District.