

CITY OF SARATOGA SPRINGS
PROCEDURES FOR MEMBER VIDEOCONFERENCING
PURSUANT TO PUBLIC OFFICERS LAW SECTION 103-a

In compliance with Public Officers Law (POL) section 103-a(2)(a), the Saratoga Springs City Council, following a public hearing, authorized by resolution on July 5, 2022 the use of videoconferencing as described in POL section 103-a.

The following procedures are hereby established to satisfy the requirement of POL section 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. These procedures shall apply to meetings of the Saratoga Springs City Council and any agency, board, commission, or other entity subject to Section 13.4 of the Charter of Saratoga Springs, collectively “Saratoga Springs Public Bodies.” The terms “Public Body Member” and “Member” shall apply to all members of Saratoga Springs Public Bodies.
2. Public Body Members shall be physically present at any meeting of the Saratoga Springs Public Body unless such Member is unable to be physically present at one of the designated meeting locations due to extraordinary circumstances.
3. For purposes of these procedures, the term “extraordinary circumstances” includes disability, illness, caregiving responsibilities, non-routine events or responsibilities of family or personal business, or any other significant or unexpected factor or event which precludes the Member’s physical attendance at such meeting.
4. 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 chair of the Saratoga Springs Public Body no later than four business days prior to the scheduled meeting in order for proper notice to the public to be given. If extraordinary circumstances present themselves on an emergent basis within four days of a meeting, the Saratoga Springs Public Body shall update its notice as soon as possible to include that information. If it is not practicable to update the notice, the Saratoga Springs Public Body may reschedule its meeting.
5. If there is a quorum of Members participating at a physical location(s) open to the public, the Saratoga Springs Public Body 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 Saratoga Springs Public Body, but may participate and vote if there is a quorum of Members at a physical location(s) open to the public.
6. Except in the case of executive sessions conducted pursuant to POL section 105, the Saratoga Springs Public Bodies shall ensure that their 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 first and last name placards physically placed in front of the Members or, for Members participating by videoconferencing from private locations due to extraordinary circumstances, such Members must ensure that their full first and last name appears on their videoconferencing screen.

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7. The minutes of the meetings involving videoconferencing based on extraordinary circumstances pursuant to POL section 103-a shall include which, if any, Members participated by videoconferencing from a private location due to such extraordinary circumstances.
8. 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.
9. The Saratoga Springs Public Bodies shall provide that each open portion of any meeting conducted using extraordinary circumstances videoconferencing shall be recorded and such recordings posted or linked on the City of Saratoga Springs 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.
10. If Members are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the Saratoga Springs Public Body shall provide the opportunity for members of the public to view such meeting by video, and to participate in proceedings by videoconference in real time where public comment or participation is authorized. The Saratoga Springs Public Bodies shall ensure that when extraordinary circumstances videoconferencing is used, it authorizes the same public participation or testimony as in person participation or testimony.
11. Open meetings of the Saratoga Springs Public Bodies conducted using extraordinary circumstances videoconferencing pursuant to the provisions of POL section 103-a 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 guideline, "disability" shall have the meaning defined in Executive Law section 292.
12. The in-person participation requirements of POL section 103-a(2)(c) shall not apply during a State disaster emergency declared by the governor pursuant to Executive Law section 28 or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to section 24 of the Executive Law, if the City Council determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Saratoga Springs Public Bodies to hold in-person meetings.

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13. These procedures shall be conspicuously posted on the Saratoga Springs website.

ADOPTED at a meeting of the City Council on July 5, 2022.

Ayes- 4 Nays - 0

CITY COUNCIL OF THE CITY OF
SARATOGA SPRINGS, NEW YORK

By: Dillon Moran, City Clerk