

**ULSTER COUNTY RESOURCE RECOVER AGENCY**

**RESOLUTION NO. 2581**

**RE: Approval of Procedures for Videoconferencing Pursuant to Public Officers Law  
Section 103-a**

**WHEREAS**, The Ulster County Resource Recovery Agency (the “Agency”) is engaged in Solid Waste Management and Recycling in Ulster County, and

**WHEREAS**, the New York State Public Authorities Law “POL” Section 103-a(2)(a) allows the use of videoconferencing at public meetings, and

**WHEREAS**, to satisfy the requirements of Public Officers Law 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, and

**WHEREAS**, the Agency Board has proposed the following written procedures to comply with the above Statute as described in Exhibit “A” attached, and

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Board of Directors of the Ulster County Resource Recovery Agency does hereby approve the procedures for Board Member videoconferencing pursuant to Public Officers Law Section 103-a as attached in Exhibit “A”, and be it,

**FURTHER RESOLVED**, that the Executive Director and Agency staff are hereby authorized to take all steps necessary to implement meeting compliance with the procedures for Board Member videoconferencing, and be it

**FURTHER RESOLVED**, that this Resolution shall take effect immediately.

Moved by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Absent \_\_\_\_\_

Date: December 14, 2022

Financial impact \$0.00

## **EXHIBIT "A"**

### **Ulster County Resource Recovery Agency's Videoconferencing Rules Pursuant to Public Officers Law Section 103-a**

The Board of Directors of the Ulster County Resource Recovery Agency "Agency" has established the following procedures to conduct Board Member videoconferencing pursuant to POL Section 103-a to permit its Members to participate in meetings by videoconferencing from private locations, under extraordinary circumstances.

1. Board Members shall be physically present at any meeting of the Board unless such Member is unable to be physically present at one of the designated public meeting locations due to extraordinary circumstances.
2. For purposes of these procedures, the term "extraordinary circumstances" includes disability, illness, caregiving responsibilities, or any other 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 Chairperson of the Board of Directors of the Agency 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 Board 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 Board but may participate and vote if there is a quorum of members at physical location(s) open to the public.
5. Except in the case of executive sessions conducted pursuant to POL Section 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.
6. 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.

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 Board 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 Agency's website at [www.ucrra.org](http://www.ucrra.org) 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 Board are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the Board 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 Board shall ensure that where extraordinary circumstances videoconferencing is used, it authorizes the same public participation or testimony as in person participation or testimony.
10. Open meetings of the Board conducted using extraordinary circumstances videoconferencing pursuant to the provisions of POL Section 103-a shall be broadcast pursuant to the requirements of POL Section 103(f) and shall utilize technology to permit access by members of the public with disabilities consistent with the 1900 Americans with Disabilities Action (ADA), as amended, and corresponding guidelines. For the purposes of this guideline, "disability" shall have the meaning defined in Executive Law Section 292.
11. The in-person participation requirements of POL Section 103-a(2)© shall not apply during a state disaster emergency declared by the governor pursuant to Executive Law Section 28 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.
12. These procedures shall be conspicuously posted on the Agency's website at [www.ucrra.org](http://www.ucrra.org).