

COMMISSION ON ETHICS AND LOBBYING IN GOVERNMENT

RESOLUTION 22-03

WHEREAS, by passing Chapter 56 of the Laws of 2022 (“Chapter 56”), the New York State Legislature amended Section 103 of the Open Meetings Law; and

WHEREAS, Chapter 56 adds Section 103-a to the Open Meetings Law, permitting the Commission on Ethics and Lobbying in Government to authorize its members to attend meetings by videoconferencing under extraordinary circumstances; and

WHEREAS, Section 103-a(2)(a) requires the Commission on Ethics and Lobbying in Government to adopt a resolution following a public hearing authorizing the limited use of videoconferencing under such circumstances; and

WHEREAS, Section 103-a(2) allows for hybrid meetings by requiring “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

WHEREAS, Section 103-a(2)(c) requires that members be physically present at any 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 that precludes the member’s physical attendance at such meeting”; and

WHEREAS, in accordance with Section 103-a(2)(d), any Commission members attending by videoconference must, except during executive session, 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”; and

WHEREAS, Section 103-a(2)(g) requires that any meeting where a Commission member attends by videoconference be recorded, posted to the Commission on Ethics and Lobbying in Government webpage within five business days, and transcribed upon request; and

WHEREAS, Section 103-a(2)(h) requires that members of the public be permitted to attend and participate, if authorized, in any meeting by videoconference when a member attends by videoconference.

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Commission on Ethics and Lobbying in Government authorizes Commission members who experience an extraordinary circumstance, as described above and as determined by the Chair or Interim Chair and by any rules or written procedures later adopted, to attend meetings by videoconference: (i) provided that a quorum of the members attend in-person at one or more locations open to the public; (ii) provided that the member can be seen, heard, and identified while the open portion of the meeting is being conducted; and (iii) as otherwise permitted under Chapter 56 of the Laws of 2022; and be it further RESOLVED, that the Commission on Ethics and Lobbying in Government shall create written procedures further governing its use of videoconferencing by its members in compliance with Chapter 56 of the Laws of 2022.

Approved: Frederick A. Davie
Interim Chair

Leonard B. Austin
Interim Vice-Chair

Michael A. Cardozo
Edward D. Carni
Claudia L. Edwards
Nancy G. Groenwegen
Seymour W. James, Jr.

Members

Dated: October 25, 2022

