

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING ON A PROPOSED RESOLUTION AS SET FORTH HEREIN

LEGAL NOTICE IS HEREBY GIVEN that pursuant to Section 56 of the Laws of 2022 of the State of New York the New York State Committee on Open Government (Committee) will hold a public hearing at One Commerce Plaza, 99 Washington Avenue, Suite 1112, Albany, NY 12231, and will stream the hearing by WebEx using a link and credentials to be posted on the Committee website (www.opengovernment.ny.gov), on the 1st day of July 2022, at 10 o'clock A.M., Eastern Daylight Time, to hear all interested parties and citizens regarding the adoption of proposed Resolution No. 1 of 2022, relating to the authorization of members of the Committee to attend meetings by videoconferencing under extraordinary circumstances. You may make a comment/offer testimony in person at the hearing location identified above or by WebEx during the hearing, or you may submit a written comment/testimony by mail to "Committee on Open Government, 99 Washington Avenue, Suite 650, Albany, NY 12231," or by email to coog@dos.ny.gov with the subject line "Chapter 56 Public Comment." The deadline for receipt of written comments is June 30, 2022. You may obtain further information about this hearing and related procedures – and you may access a copy of the proposed resolution – at www.opengovernment.ny.gov. You may also request that a copy of the proposed resolution be mailed or emailed to you by calling (518) 474-2518 or emailing coog@dos.ny.gov.

Committee on Open Government
Public Hearing regarding Chapter 56 of the Laws of 2022
Additional Information and Procedures

The Committee on Open Government (Committee) will take public comment/testimony at its hearing regarding proposed Resolution No. 1 of 2022 (attached), permitting members experiencing an extraordinary circumstance to attend Committee meetings remotely as authorized under Chapter 56 of the Laws of 2022 (“Chapter 56”). At the hearing, the Committee shall take comment/testimony using the following methods and according to the following procedures:

Oral comment/testimony, either in person or by signing into the WebEx platform:

Anyone wishing to provide comment/testimony in-person at the hearing location must comply with building security procedures, which may include checking in with building security personnel and providing identification, and sign-in using their name upon arrival. Anyone wishing to provide oral comment/testimony by WebEx must register online using their name using the following link and credentials:

<https://meetny.webex.com/meetny/onstage/g.php?MTID=e0ec5bc4f9b9a177df1dbe20436064a62>

Password: COOG7122

Telephone Access: 1-518-549-0500

Telephone Access code: 161 289 0224

The Committee will hear oral comment/testimony on a first-come, first-served basis beginning with in-person attendees and then moving to WebEx attendees. Only one (1) person may speak at a time and may do so only when called. Comment/testimony shall be limited to three (3) minutes per individual. The hearing shall remain open as long as necessary to hear all individuals except that the hearing shall not remain open more than three (3) hours. Should demand for additional comments/testimony exist after three hours, the Committee will accept additional written submissions until close of business on July 8, 2022.

Written comment/testimony, either by mail or email:

The deadline for receipt of written comment/testimony is close of business on June 30, 2022. Written submissions may be mailed to “Committee on Open Government, 99 Washington Avenue, Suite 650, Albany, NY 12231,” or emailed to coog@dos.ny.gov with the subject line “Chapter 56 Public Comment.” Written submissions will not be read aloud during the hearing but will be publicly available on the Committee website at the time of the hearing to the extent practicable.

All submissions, regardless of form, shall be limited to the purpose of the hearing, as defined in the first paragraph above. Proposed Resolution No. 1 of 2022 will be read at the start of the hearing. All comment/testimony should be statements of beliefs, concerns or opinions on the topic rather than interpretative of the submissions of others. The hearing is not a meeting of the Committee; Committee members will not engage in discussion during the hearing and will not answer questions or respond to comments.

The hearing will be recorded. The recording and all timely received written comments/testimony will be provided to all Committee members for consideration. The recording and all written comments/testimony timely received will be publicly available on the Committee website: www.opengovernmnet.ny.gov. Committee members shall schedule and hold a meeting after the close of the hearing during which members will vote on whether to adopt Resolution No. 1 of 2022.

Resolution No. 1

The New York State Committee on Open Government

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 of the Open Meetings Law, permitting the Committee on Open Government to authorize its members to attend meetings by videoconferencing under extraordinary circumstances; and

WHEREAS, Section 103-a(2)(a) requires the Committee on Open Government to adopt a resolution 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 which precludes the member’s physical attendance at such meeting”; and

WHEREAS, in accordance with Section 103-a(2)(d), any members attending by videoconference must 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 member attends by videoconference be recorded, posted to the Committee on Open 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.

BE IT RESOLVED, that the Committee on Open Government authorizes its members who experience an extraordinary circumstance, as described above and further defined by any rules or written procedures later adopted, to attend meetings by videoconference: (i) as long as a quorum of the members attend in-person at one or more locations open to the public; (ii) as long as the member can be seen, heard, and identified while 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 Committee on Open Government shall create written procedures further governing its use of videoconferencing by its members in compliance with Chapter 56 of the Laws of 2022.