

RESOLUTION TO PERMIT VIDEOCONFERENCE MEETINGS IN ACCORDANCE WITH PART WW OF CHAPTER 56 OF THE LAWS OF 2022

WHEREAS, Part WW of Chapter 56 of the Laws of 2022 (Part WW) amended Article 7 of the Public Officers Law (the Open Meetings Law), in relation to permitting videoconferencing and remote participation in public meetings under certain circumstances; and

WHEREAS, prior to the enactment of Part WW, the Open Meetings Law provided that when videoconferencing is used to conduct a public meeting of a public body, each member of the public body wishing to attend and participate in the meeting must be physically present at such meeting at a location where the public can attend; and

WHEREAS, Section 103-a of the Public Officers Law, as added by Part WW, permits members of a public body, under extraordinary circumstances, to attend and participate in a meeting of the public body by videoconferencing from a remote location that is not open to the public, provided that (1) the public body has adopted a resolution authorizing the use of videoconferencing, (2) the number of members of the public body who attend the meeting at location(s) where the public can attend is at least equal to the number required to satisfy the public body's quorum requirement, (3) the public body has established written procedures governing member and public attendance consistent with Section 103-a of the Public Officers Law, (4) such written procedures are conspicuously posted on the public website of the public body, and (5) the other criteria specified in Section 103-a are satisfied; and

WHEREAS, the Niagara Falls Water Board (the "Board") deems it appropriate that the Board and any and all committees of the Board now existing or hereafter established be authorized to use videoconferencing to conduct meetings in the manner contemplated by Section 103-a of the Public Officers Law, i.e., meetings where a member who is unable to be physically present at any such meeting location due to extraordinary circumstances is permitted to attend and participate in the meeting by videoconferencing from a remote location that is not open to the public; and

WHEREAS, the Board also deems it appropriate that the Board and any and all committees or subcommittees of the Board continue to be authorized to use videoconferencing to conduct meetings where each member wishing to attend and participate in such meeting is physically present at such meeting at a location where the public can attend;

NOW THEREFORE BE IT

RESOLVED, the Board hereby authorizes the Board and any and all committees or subcommittees of the Board now existing or hereafter established to use videoconferencing to conduct meetings in the manner authorized by Section 103-a of the Public Officers Law; including meetings where a member who is unable to be physically present at any such meeting location due to extraordinary circumstances is permitted to attend and participate in the meeting by videoconferencing from a remote location that is not open to the public; and it is further

RESOLVED, that, in addition, the Board continues to authorize the Board and any and all committees or subcommittees of the Board now existing or hereafter established to use videoconferencing to conduct meetings where each member wishing to attend and participate in such meeting is physically present at such meeting at a location where the public can attend; and it is further

RESOLVED, that the Board hereby adopts the Procedures Governing Member and Public Attendance at Meetings Conducted by Use of Videoconferencing annexed hereto and made part hereof (the “Procedures”) and directs that all meetings of the Board conducted by use of videoconferencing and all meetings of any committee of the Board conducted by use of videoconferencing shall be conducted in accordance with such Procedures as they may from time to time be revised or amended and in accordance with the applicable provisions of the Open Meetings Law; and it is further

RESOLVED, that the attached Procedures be conspicuously posted on the public website of the Niagara Falls Water Board, nfwb.org.

Water Board Personnel Responsible for Implementation of this Resolution:

Executive Director
General Counsel

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:

Not applicable.

On October 3, 2022, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

| | Yes | No | Abstain | Absent |
|----------------------|------------|-----------|----------------|---------------|
| Board Member Asklar | [] | [] | [] | [] |
| Board Member Kimble | [] | [] | [] | [] |
| Board Member Larkin | [] | [] | [] | [] |
| Board Member Leffler | [] | [] | [] | [] |
| Chairman Forster | [] | [] | [] | [] |

Signed By:

Vote Witnessed By:

Nicholas J. Forster, Chairman

Sean W. Costello, Secretary to Board