

Resolution Authorizing the Use of Remote Technology

Whereas, section 103-a of the Open Meetings Law (“OML”) authorizes the use of videoconferencing to conduct public meetings subject to certain requirements; and

Whereas, section 103-a of the OML addresses remote participation by members of public bodies who are unable to attend meetings in person due to a physical or mental impairment (a “Qualifying Disability”); and

Whereas, section 103-a of the OML allows members with a Qualifying Disability to attend public meetings remotely and still fully participate in the meeting, including counting towards quorum and casting votes; and

Whereas, while the OML is silent as to how Qualifying Disability determinations should be made and whether documentation must be provided to support a claim of a Qualifying Disability, should a public body elect to implement the Qualifying Disability option, it must state its intention to permit the option, and the methodology for doing so, through an amendment to the bylaws or by a resolution; and

Whereas, the Civic Engagement Commission now wishes to authorize videoconferencing and to extend the use of remote technology to also permit its use by board members with a Qualifying Disability.

Therefore, be it resolved that:

1. The Civic Engagement Commission may use videoconference for its meetings and the meetings of its committees and subcommittees consistent with the requirements of section 103-a of the OML.
2. The public will be able to view meetings by video in real time, and remote participants, including the general public, will have the same real time opportunity to participate as in-person attendees.
3. If a quorum of the Commission is present in person, another Commissioner may join the meeting remotely from a location that is not open to the public if that Commissioner is unable to join in person due to:
 - a. Extraordinary circumstances, such as disability, illness, or caregiving responsibilities; or
 - b. Significant or unexpected events that preclude the Commissioner’s physical attendance at the meeting.
4. The Civic Engagement Commission elects to permit its members the option to claim a Qualifying Disability and participate using remote technology at any meeting of the Civic Engagement Commission, *provided* a remote option is generally available at such meeting.

5. The Civic Engagement Commission will recognize that a member has a Qualifying Disability, provided such member attests to their status by completing a copy of the form attached hereto, which copy shall remain on file in the Commission's office.
6. Commissioners of the Civic Engagement Commission claiming a Qualifying Disability shall not be required to produce documentation, medical or otherwise, to support their claim.

Request for Remote Participation Pursuant to NY Public Officers Law Section 103-a(2)(c) and Self-Certification of Qualifying Disability

I, _____, request to participate in meetings of the Civic Engagement Commission remotely pursuant to New York Public Officers Law section 103-a(2)(c).

I certify that I have a physical or mental impairment that prevents me from attending meetings of the Civic Engagement Commission in-person and otherwise meet the definition of disability found in section 292 of the New York Executive Law.¹

The above-referenced disability is permanent.

The above-referenced disability is not permanent, and

I anticipate that I will be able to resume participating in-person at meetings of the Civic Engagement Commission beginning _____.

I am unable at this time to determine when I will be able to resume participating, but when knowledge of my condition changes, I will inform the Civic Engagement Commission of when I anticipate resuming in-person attendance.

My attendance in person from time to time as my health allows does not preclude my need to participate remotely at other times.

Signature _____

Print Name _____

Date _____

¹ Section 292(21) defines disability as follows: “The term ‘disability’ means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.”