

**RESOLUTION OF THE  
BOARD OF EDUCATION  
OF THE  
ITHACA CITY SCHOOL DISTRICT**

*To Authorize the Adoption of Written Procedures following a Public Hearing for the Use of  
Video Conferencing for the Conduct of Public Meetings*

**WHEREAS**, effective April 8, 2022, as part of the 2022-2023 New York State budget, New York State has enacted amendments to the Open Meetings Law regarding the use of videoconferencing by a governing body to conduct public meetings; and

**WHEREAS**, these amendments were set forth to balance the need for governing bodies to have the ability to operate remotely and the public's right to in-person access; and

**WHEREAS**, the Board of Education of the Ithaca City School District (the "Board") wishes to adopt a Resolution providing for written procedures for the use of video conferencing to conduct its public meetings consistent with the provisions of the amended New York State Open Meetings Law; and

**WHEREAS**, in accordance with the amended New York State Open Meetings Law, on June 28, 2022, the Board held a public hearing to publicly discuss this matter and to receive input from the public on this issue; and

**WHEREAS**, at the conclusion of the public hearing, the Board held a vote on said Resolution; and

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby adopts the following as written procedures to be utilized for video conferencing for the conduct of its public meetings in accordance with the Open Meetings Law of New York State as set forth in the amended Public Officer's Law Article 7, said procedures to go into effect immediately.

**[PROCEDURES ON NEXT PAGE]**

**PROCEDURES RELATED TO USE OF VIDEOCONFERENCING AND VIRTUAL ATTENDANCE AT MEETINGS CONDUCTED BY THE BOARD OF EDUCATION OF THE ITHACA CITY SCHOOL DISTRICT**

Pursuant to New York State Public Officers Law § 103-a(2)(b), the Board of Education of the Ithaca City School District (the “Board”) hereby adopts these procedures related to the use of videoconferencing and virtual attendance at meetings conducted by the Board and any and all committees or subcommittees, now existing or hereafter created, of the Board subject to the Open Meetings Laws of New York State (the “Procedures”).

1. Except as provided in Paragraph 2, each member of the Board who wishes to participate in a public meeting of the Board shall be physically present at a designated meeting location that is open to the public and identified in the required public notice for such meeting.
2. If a member of the board, due to extraordinary circumstances, wishes to attend and participate in the meeting but is unable to be physically present at the designated meeting location that has been noticed and is open to the public, the member may submit a written request to the Board President seeking permission to attend the meeting via videoconference from a location that is not open to the public. This request must be submitted at a reasonable time prior to the meeting to allow the public notice to indicate that the meeting will include the use of videoconferencing. The notice must identify the nature of the extraordinary circumstance that causes the member to be unable to be physically present at the designated location.
3. Extraordinary circumstances shall be defined as:
  - a. Disability;
  - b. Illness;
  - c. Caregiver Responsibilities; and
  - d. Any other significant or unexpected factor or event which precludes such member’s physical attendance at such meeting location that is open to the public.
4. Notwithstanding the procedure set forth in Paragraph 2, a meeting of the Board shall not be permitted unless the number of members physically present at the designated location provided in the notice to the public is at least equal to the minimum number of members necessary to fulfill the Board’s quorum requirement.
5. Except in the case of Executive Sessions, when a member is participating remotely via videoconferencing from a location not open to the public, the Board shall ensure that every member participating, whether in-person or virtually, can be seen, heard, and is identified at all times during the meeting. Members participating remotely are responsible for ensuring that their audio and visual equipment works properly. For identification purposes, the member may (1) use the videoconferencing software to

- identify the member(s)' first and last name on the screen; or (2) the member may place a name plate with the member's first and last name in front of him/her/them that is visible at all times on the screen. If the member's audio and/or visual connections are not operational and/or do not permit the member to be seen, heard, and identified, that member, who would otherwise qualify for remote participation, shall not be permitted to participate in the meeting.
6. If video conferencing is to be used subject to these Procedures, the public notice for the meeting must inform the public that videoconferencing will be used. This notice shall notice where the public can view the meeting virtually and if public participation in the meeting is allowed, shall specify where the public can view and/or participate in the meeting. The notice shall identify where documents and records whose discussion is anticipated will be posted or available at least 24 hours prior to the meeting, as is required pursuant to Public Officers Law §106 (e). Finally, the notice shall identify the physical location of the meeting where the public may attend.
  7. If videoconferencing is used subject to these Procedures, the minutes of the meeting shall identify which member(s) participated remotely and shall be available to the public pursuant to Section 106 of the Public Officers Law.
  8. If videoconferencing is used subject to these Procedures, the meeting shall be recorded, such recording to be posted or linked on the District's website within five business days following the meeting. The recording shall remain available for a minimum of five years from the date of posting. Upon request, a transcript of the meeting shall be made available.
  9. If videoconferencing is used subject to these Procedures, members of the public may attend the meeting at any location open to the public. The Board shall also provide the opportunity for members of the public to view the meeting virtually, and where public participation is allowed, shall provide the opportunity for members of the public to participate virtually in real time. Members of the public who participate virtually shall enjoy the same privileges as those who attend the meeting in person.
  10. Neither the in-person participation requirements of Paragraph 1 of the Procedures nor the in-person quorum requirements of Paragraph 4 of the Procedures shall apply during a State disaster emergency declared by the governor pursuant to Section 28 of the Executive Law, or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to Section 24 of the Executive Law, if the Board determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in-person meeting.
  11. The Procedures were approved by resolution of the Board following a public hearing on June 28, 2022.