

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Canandaigua

4/29/2022

Local Law No. _____ of the year 20 22

A local law Amending Chapter 44, by Adding Section 11, Use of Videoconferencing
(Insert Title)

DRAFT

Be it enacted by the Town Board of the _____
(Name of Legislative Body)

County City Town Village
(Select one.)

of Canandaigua as follows:

See Attachment A

(If additional space is needed, attach pages the same size as this sheet, and number each.)

DRAFT

4/29/2022

Attachment A

TOWN OF CANANDAIGUA

LOCAL LAW # ___ OF 2022

EXHIBIT A

SECTION ONE. Purpose. The purpose of this Local Law is to authorize the use of videoconferencing by public bodies of the Town of Canandaigua, in accordance with New York State Public Officers Law §103-a, Videoconferencing by Public Letters.

SECTION TWO. Authorization for the Use of Videoconferencing. The Town Board hereby authorizes the use of videoconferencing for all public bodies in the Town of Canandaigua, including itself and its committees and subcommittees, and all boards of the Town of Canandaigua, subject to the written procedures attached to this local law.

SECTION THREE. Adoption of Written Procedures Governing the Use of Videoconferencing. Simultaneously with the adoption of this local law the Town Board will adopt the Written Procedures Governing the Use of Videoconferencing for the Town of Canandaigua set forth in the written procedures that are attached to this local law.

SECTION FOUR. Severability. If any portion of this Local Law shall be deemed by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the remainder of this Local Law shall remain in full force and effect to the extent practicable.

SECTION FIVE. Effective Date. This Local Law shall be effective immediately upon its filing with the New York State Secretary of State.

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WRITTEN PROCEDURES GOVERNING THE USE OF
VIDEOCONFERENCING FOR THE TOWN OF CANANDAIGUA

These Procedures shall govern the use of videoconferencing for all public bodies of the Town of Canandaigua, including but not limited to the Town Board of the Town of Canandaigua, the Planning Board of the Town of Canandaigua, the Zoning Board of Appeals of the Town of Canandaigua, the Environmental Conservation Board of the Town of Canandaigua, the Board of Assessment Review of the Town of Canandaigua, and all committees and subcommittees established therein (each being hereafter referred to as a "Public Body"):

1. A minimum number of members of the Public Body must be present to fulfill any quorum requirements to which said Public Body is subject in the same physical location or locations where the public can attend.
2. These procedures shall be conspicuously posted on the Town's website and on the webpage of each Public Body, if any, employing videoconferencing.
3. Members of a Public Body must be physically present at the meeting unless such member is unable to be physically present at 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.
4. Except in the case of executive sessions, each Public Body shall ensure that members of the Public Body can be heard, seen and identified while the meeting is being conducted.
5. The minutes of any meetings involving videoconferencing shall include which, if any, member participated remotely.
6. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or available and identify the physical location for the meeting where the public can attend.
7. The Public Body shall provide that each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the public website of the Town or the Public Body within five business days and shall remain so available for a minimum of five years thereafter.
8. A transcript of recordings will be provided upon request, subject to availability.

9. If videoconferencing is used to conduct a meeting, the Public Body shall provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized and shall ensure that videoconferencing authorizes the same public participation or testimony as in person participation or testimony.
10. The Town of Canandaigua will continue to maintain its official website.
11. The in person participation requirements set forth above shall not apply during a state disaster emergency declared by the governor pursuant to section twenty-eight 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 twenty-four 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.
12. Open meetings of any Public Body that are broadcast or that use videoconferencing shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

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1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2022 of the (County)(City)(Town)(Village) of Canandaigua was duly passed by the Town Board on _____ 2022, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body.

DRAFT

Date: _____

(Seal)