

**TOWN OF CANANDAIGUA TOWN BOARD  
REMOTE PARTICIPATION POLICY**

**I. Purpose**

The purpose of this Policy is to allow members of the Town Board of the Town of Canandaigua and the general public to attend and participate in meetings of the Town Board or any of its committees by videoconferencing as identified in New York State Open Meetings Law, and to ensure that the public has an adequate opportunity to participate in the Town Board process.

**II. Definitions**

(a) “Member” means a member of the Town of Canandaigua Town Board, including the Town Supervisor.

(b) “Meeting” means any meeting of the Town of Canandaigua Town or any of the Town Board’s committees that are subject to this Policy.

(c) “Qualifying Event” means (i) personal illness including quarantine (self or mandated) to prevent the spread of an illness or disability; (ii) employment purposes; (iii) family or other emergency; or (iv) being located in a physical location greater than sixty miles away from the Canandaigua Town Hall at 5440 State Route 5 & 20 West, Canandaigua, New York at the time of the Meeting.

(d) “Remote Means” means videoconferencing which includes audio and video.

(e) “Secretary” means the Town Clerk of the Town of Canandaigua or the individual to whom the Town Clerk has designated responsibility for recording meeting minutes at Town Board meetings.

**III. Remote Attendance Permitted**

(a) Subject to the limitations set forth in Section IV below, Town Board Members may attend any Meeting by Remote Means if the Member is prevented from physically attending the Meeting because of a Qualifying Event.

(b) Members of the public will be permitted to participate remotely in any Meeting by Remote Means, for those meetings where remote participation is offered, the same as if the member of the public was present for the meeting in person, once recognized by the Chair.

**IV. Restrictions on Remote Attendance**

- (a)** No Member may attend any portion of a Meeting by Remote Means unless:
  - (i)** A quorum of the Town Board is physically present at the location of the Meeting during the entire duration of said Meeting, unless said Meeting is of a Town Board committee, in which case a quorum of the Committee must be physically present at the location of the Meeting or if a state of emergency has been issued by the Federal government or State government, or the Town Supervisor of the Town of Canandaigua or action by the Town Board of the Town of Canandaigua resulting in a need for remote participation in which case meetings may be held remotely (virtual) in their entirety.
  - (ii)** He or she provides written notice to the Town Supervisor, Town Manager, and the Town Clerk specifying the Qualifying Event at least one week prior to the Meeting; and
  - (iii)** The Remote Means being utilized is fully functional, and shall allow:
    - (A)** All Town Board Members to hear all communications taking place during the Meeting;
    - (B)** Any persons in attendance at the Meeting to hear all communications taking place during the Meeting;
    - (C)** All Town Board Members to see any documents displayed during the Meeting;
    - (D)** Any persons in attendance at the Meeting to see any documents displayed during the Meeting; and
    - (E)** The Secretary to hear all communications taking place during the Meeting.
- (b)** No Town Board Member may attend a meeting by Remote Means for any reason other than a Qualifying Event.

**V. Rules of Procedure When Remote Attendance Utilized**

- (a)** When a Town Board Member attends any portion of a Meeting by Remote Means as permitted by this Policy:
  - (i)** The minutes of the Meeting shall include the following:
    - (A)** A statement that the Member attended the Meeting by Remote Means;
    - (B)** The location from which the Member attended the Meeting

(C) A statement that the Remote Means were fully functional;

(D) The times, if any, during which the Member attending the Meeting by Remote Means left the Meeting.

(ii) Every Member of the Town Board shall be identified during all Board discussions so that all participants are aware of which Member is speaking at all times.

(b) A Town Board Member attending a Meeting by Remote Means shall:

(i) Be permitted to fully participate in the Meeting as if he or she were physically present, including the making or seconding of motions and voting on said motions, subject to the Town Board Rules of Procedure;

(ii) Advise the Secretary if he or she leaves or returns from the Meeting;

(iii) Advise the Secretary of all other persons in the same room as such Member attending by Remote Means and whether and to what extent such other persons are able to hear the discussions at the Meeting;

(iv) Allow the presence of the public at the location from which the Member is attending the Meeting by Remote Means, regardless of whether such location is public or private. The Member attending the Meeting by Remote Means shall make all reasonable efforts to comply with the Open Meetings Law regarding accessibility.

(c) If the Town Supervisor attends a Meeting by Remote Means, the Deputy Supervisor shall serve as chair of the Meeting. If the Deputy Supervisor is not present at the Meeting then the Town Board shall designate a Temporary Chair from the Members who are physically present at the Meeting.

## **VI. Applicability**

If any provision of this Policy conflicts with any provision of the Town Code of the Town of Canandaigua or New York State Law then the stricter provision shall prevail.

## **VII. Effective Date**

(a) This Policy was approved by the Canandaigua Town Board on July 19, 2021.

(b) This Policy shall become effective immediately upon approval by the Canandaigua Town Board, and shall remain in effect until otherwise

removed.

**VIII. Availability of Policy**

- (a) This Policy shall be filed in the Office of the Town Clerk of the Town of Canandaigua.
- (b) This Policy is hereby made a part of the Town of Canandaigua Town Board Rules of Procedure.