



**Policy No. 18**  
**EDC VIDEOCONFERENCING TECHNOLOGY POLICY**  
**PURSUANT TO**  
**NEW YORK OPEN MEETINGS LAW (PUBLIC OFFICERS LAW ARTICLE 7)**

**§1: Purpose and Intent:**

The purpose and intent of this Policy is to authorize the use of videoconferencing technology for meetings of the Board of Directors of EDC and any committees thereof, and to proscribe the rules for the use of such videoconferencing technology. Pursuant to Chapter 59 of the Laws of 2022, New York State authorized the use of videoconferencing technology by public bodies to conduct open meetings under extraordinary circumstances provided that the as applicable here the Board of Directors adopt a resolution authorizing such use of videoconferencing technology and proscribing the rules for such use of videoconferencing technology. This policy is intended to authorize the use of videoconferencing technology for open meetings pursuant to New York Public Officers Law Article 7, provided that the rules as set forth in this policy are followed.

**§2: Definitions:**

Except as specifically defined herein, all terms defined in Article 7 of the New York Public Officers Law, known as the "Open Meetings Law", shall apply to this policy. In addition, the following words and terms shall be as defined below:

- a. Board: The Board of Directors or any committee of EDC.
- b. Chair: The Chair of the Board (including any committee), or in the absence of the Chair of the Board or any committee, the person overseeing said meeting as authorized in the By-Laws of the EDC.
- c. Videoconferencing technology: Any device or service that permits a member or group of members of the board or committee, but less than a quorum thereof, to participate in an open meeting whereby the member or group of members can be seen, heard and their participation recorded for purposes of the Open Meetings Law.
- d. Extraordinary Circumstances:
  - (i) the disability of a member;
  - (ii) illness of a member;
  - (iii) caregiving responsibilities of a member;
  - (iv) emergency event due to the member's work or family obligations; or
  - (v) any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting as determined by the Chair.

### **§3: Rules:**

a. The Board may utilize videoconferencing technology as authorized in this policy. All applicable requirements set forth in the Open Meetings Law shall apply to any meeting of the Board seeking to use videoconferencing technology hereunder.

b. In the event the Chair wishes to authorize attendance for an extraordinary event as defined in §2(b)(v) above, the Chair shall set forth the reasons for her or his determination in the minutes of any such meeting, and any such determination may be reversed only by majority vote of the Board by a member in physical attendance at such meeting immediately after the determination of the Chair at such meeting and before the conduct of any other business of such Board. The failure to obtain quorum for any such attempted disapproval shall not reverse or overturn the determination of such Chair. If a majority of the Board thereof votes in the affirmative to reverse the determination of the Chair, the member participating by videoconferencing technology shall be permitted to participate in the meeting but shall not be permitted to vote on any matter at such meeting.

c. Any meeting of any such Chair, the Board shall permit the public to attend, see and hear all portions of the meeting of such board or committee except for executive sessions as set forth in the Open Meetings Law.

d. Any member of such Board participating in an open meeting by use of videoconferencing technology must be seen, heard and identified to participate in such meeting. A member shall not be permitted to have its video off or be muted, except that the member may be muted for temporary intervals due to interference or background noise as the Chair may determine in her or his discretion.

e. All other provisions of Public Officers Law, including but not limited to Public Officers Law §103-a, as same may be extended, modified or amended, shall apply to the conduct of the use of videoconferencing technology, and the Board shall comply with all minutes, recording and posting requirements included therein.

### **§4: Severability:**

If any clause, sentence, paragraph, subdivision, section, or part of this policy or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this policy, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

### **§5: Effective Date:**

This policy shall take effect immediately upon adoption by the Board of Directors of the EDC.

*Adopted by the Board of Directors on July 19th, 2022*

*Re-Affirmed March 20, 2024*