



NEW YORK STATE  
ADVISORY COUNCIL ON LEAD POISONING PREVENTION

Procedures for Member Videoconferencing from a Non-Public Location Under  
Extraordinary Circumstances.

Purpose

On January 8, 2025 the Advisory Council on Lead Poisoning Prevention adopted a resolution authorizing the use of videoconferencing as described in Public Officers Law (POL) § 103-a.

The following procedures are hereby established to satisfy the requirement of POL § 103-a(2)(b) that any public body which in its discretion wishes to permit its members to participate in meetings by videoconferencing from private locations – under extraordinary circumstances – must establish written procedures governing member and public attendance.

Procedure

Member Attendance:

1. Council members shall be physically present at Council meetings, unless such member is unable to be physically present at one of the designated public meeting locations due to extraordinary circumstances.
2. **For purposes of these procedures, the term “extraordinary circumstances” includes disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.**
3. If a member is unable to be physically present at one of the designated public meeting locations and elects to participate by videoconferencing from a private location due to extraordinary circumstances, the member must notify the Council Chairperson prior to the scheduled meeting in order for proper notice to the public to be given.

Quorum:

1. Members attending Council meetings by videoconferencing from a private location due to extraordinary circumstances will not count towards quorum.
  - a. If quorum is met otherwise, these members attending due to extraordinary circumstances may vote and participate.
2. A quorum of members shall be met by:
  - a. Member participation at a physical location(s) open to the public;
  - b. Member participation from a remote location(s) for any member who has a disability as defined in Executive Law § 292, where such disability renders the member unable to participate in-person at any such meeting location, where the public can attend, to be considered present for the purpose of fulfilling quorum requirements.

3. The Council shall ensure that its members can be heard, seen, and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon.
  - a. This shall include the use of first and last name placards physically placed in front of the members or, for members participating by videoconferencing from private locations due to extraordinary circumstances, such members must ensure that their full first and last name appears on their videoconferencing screen.
  - b. Exceptions in the case of executive sessions.

#### Public Notice & Meeting Documentation

1. Public notice for the meeting shall inform the public:
  - a. That videoconferencing to facilitate member participation in the event of extraordinary circumstances will (or may) be used;
  - b. Where the public can view and/or participate in such meeting;
  - c. Where required documents and records will be posted or available;
  - d. The physical location(s) for the meeting where the public can attend.
2. Meeting minutes shall include which, if any, members participated by videoconferencing due to extraordinary circumstances from a private location.
3. Meetings conducted using videoconferencing for extraordinary circumstances shall be recorded.
  - a. Such recordings will be made available within five business days following the meeting and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.

#### Public Attendance

1. When Council members are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the Council shall provide the same opportunity for members of the public.
  - a. These public members will be authorized the same public participation or testimony as in person participation or testimony by participating in proceedings by videoconference in real time.
2. Open meetings where extraordinary circumstances videoconferencing is authorized the Council shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA).

#### State Disaster Emergency Exemption

1. In-person participation requirements of POL § 103-a(2)(c) shall not apply during a state disaster emergency declared by the governor pursuant to Executive Law § 28 or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to § 24 of the Executive Law.

Adopted: January 8, 2025

*These procedures shall be conspicuously posted on the Advisory Council on Lead Poisoning Prevention website.*