

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (“ECIDA”),
BUFFALO AND ERIE COUNTY REGIONAL DEVELOPMENT
CORPORATION (“RDC”),
AND
BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT
CORPORATION (“ILDC”)**

PROCEDURES FOR VIDEOCONFERENCING PARTICIPATION

PURSUANT TO PUBLIC OFFICERS LAW SECTION 103-A

This Videoconferencing Participation Policy (“Policy”) shall apply to the Erie County Industrial Development Agency (“ECIDA”) and its affiliated corporations: Buffalo and Erie County Regional Development Corporation (“RDC”), Buffalo and Erie County Industrial Land Development Corporation (“ILDC”), and any other affiliated entities that may be established by the ECIDA (hereinafter collectively referred to as the “Agency”) upon approval by the respective Board of Directors or Members of the Agency.

In compliance with New York Public Officer’s Law (“POL”) § 103-a(2)(a), the Agency, following a public hearing, authorized the use of videoconferencing as described in POL Section 103-a by resolution(s) dated November 30, 2022.

The following procedures are hereby established to satisfy the requirement of POL § 103-a(2)(b) that “public bodies” must establish written procedures governing member and public attendance to permit its members to participate in Board and Committee meetings by videoconferencing from private locations, under Extraordinary Circumstances.

1. Agency Member Attendance:

A. All members of the Agency (“Members”) shall be physically present at the location(s) of the public meeting unless a Member cannot be physically present at the public meeting for one (1) or more of the circumstances enumerated in subsection B herein.

B. Members may be excused from physically attending any public meeting of the Agency, and may instead attend via videoconferencing from a private location, if any of the following circumstances (thereinafter “Extraordinary Circumstances”):

- (i) Disability of a Member.
- (ii) Illness of a Member.
- (iii) The Member has caregiving responsibilities for:
 - (a) one (1) or more dependents, or
 - (b) family member(s) with an illness or disability.

C. Notification of Agency.

- (i) In the event a Member is unable to be physically present at the designated public meeting location(s) and wishes to participate by videoconferencing from a private location due to an Extraordinary Circumstance, the Member must notify the Agency by submitting the form attached hereto as **Exhibit A** no later than ten (10) business days prior to the scheduled meeting to the President/CEO of the Agency to ensure proper notice of the meeting and related videoconference is given to the public.
- (ii) In the event an Extraordinary Circumstance arises within ten (10) business days of the scheduled meeting, the Member shall notify the President/CEO of the Agency immediately by submitting the form attached hereto as **Exhibit A** to provide the Agency with an opportunity to amend the notice of meeting.
- (iii) In the event an Extraordinary Circumstance arises within ten (10) business days of the scheduled meeting, and the Agency determines it would be impractical to amend the notice of meeting, the Agency may reschedule the meeting to a later date.

2. **Public Attendance:**

A. Members of the public shall be allowed to attend any public meeting conducted via videoconferencing at the physical location of the meeting, or via videoconferencing if a Member of the Agency attends via videoconferencing.

3. **Rules and Procedures for Public Meetings Conducted Via Video Conference:**

A. A quorum of Members participating in the meeting must be physically present at the meeting location(s) open to the public for the meeting to be properly convened. Members participating in the meeting via videoconferencing shall not count towards the Agency quorum requirements for the meeting but may participate and vote if a physical quorum of the Members exists.

B. Except in the case of executive sessions conducted pursuant to POL § 105, Members must be able to be seen, heard and identified by other Members and the public during any matter formally discussed or voted on, including, but not limited to, motions, proposals, and resolutions. This shall include the use of first and last name placards placed physically in front of the Members or, for Members participating by videoconferencing from a private location, such Members shall ensure their names appear on their videoconferencing screen or video feed.

C. If public comment or participation in the meeting is authorized or required, the video feed, and public participation therein, must be in real time, and the Agency shall ensure the meeting is conducted in a manner ensuring virtual public participation or testimony equal to in-person participation or testimony.

D. The meeting minutes for a meeting where a Member attends via videoconferencing shall include which Members participated remotely, and the meeting minutes shall be made available to the public pursuant to POL § 106.

E. The public notice for any meeting held via video conference shall include the following information:

- (i) Notification that videoconferencing will be used to conduct the meeting;
- (ii) Identification of where the public can view and/or participate in the meeting, including:
 - (a) the physical location(s) of the meeting; and
 - (b) any web addresses for video links; and
- (iii) Identification of the location(s) where any required documents and/or records will be posted or available for public viewing.

F. Each open portion of meetings held via videoconference must be recorded. The recording:

- (i) Must be posted or linked on the website of the Agency within five (5) business days of the meeting;
- (ii) Must remain available for a minimum of five (5) years after it is posted; and
- (iii) Shall be transcribed upon written request subject to any reasonable fees for the production thereof.

G. Meetings held via video conference must utilize technology to permit access by individuals with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and the corresponding guidelines thereto. For purposes of this section, the term “disability” shall have the meaning defined in New York Executive Law § 292.

4. Miscellaneous.

A. The 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 emergency proclaimed by the chief executive of a county, city village or town pursuant to Executive Law § 24 if the Agency determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Agency to hold an in-person meeting.

B. These procedures shall be conspicuously posted on the Agency’s website.

EXHIBIT A

**REQUEST FOR VIDEOCONFERENCING PARTICIPATION
PURSUANT TO PUBLIC OFFICERS LAW SECTION 103-A**

Meeting Date:	
Name of Member:	
Agency Membership:	
Reason for Physical Absence (Check All That Apply):	<input type="checkbox"/> Disability of the Member. <input type="checkbox"/> Illness of the Member. <input type="checkbox"/> The Member has caregiving responsibilities for: <div style="margin-left: 40px;"><input type="checkbox"/> one (1) or more dependents, or <input type="checkbox"/> family members with an illness or disability.</div>
Description of Absence: (Summarize)	

For Agency Use Only:

<u>Date Request Received:</u>	
<u>Date Request Approved:</u>	
<u>Request Approved By: (Print Name)</u>	
<u>Signature:</u>	