

Resolution of the Public Design Commission to allow remote participation by Commissioners with an extraordinary circumstance

WHEREAS, pursuant to section 103-a of the Open Meetings Law, the Public Design Commission (“Commission”) held a public hearing on October 11, 2022 regarding the adoption of a resolution to allow certain use of videoconferencing to conduct its meetings pursuant to the requirements of Article 7 of the Public Officers Law; and

WHEREAS, based on the Commission’s experience with videoconferencing during the COVID-19 emergency, the Commission’s position is that remote participation in Commission hearings and meetings offers flexibility to Commissioners and benefits the public by enabling greater participation in the hearing and meeting process.

Now, therefore, be it RESOLVED that, the use of limited videoconferencing to conduct meetings of the Public Design Commission is hereby authorized in conformance with the requirements of the New York State Open Meetings Law, including the following restrictions:

THAT a minimum number of Commissioners, sufficient to constitute a quorum of the Commission, shall be present in a physical location or locations where the public can attend in person; and

THAT where a quorum of Commissioners is physically present at a Commission hearing or meeting where the public can attend in person, any Commissioner not needed to fulfill the Commission’s quorum requirement may attend and participate in such hearing or meeting by videoconference from any location, and without providing access to members of the public to such location, provided that such Commissioner is unable to physically attend the meeting due to extraordinary circumstances, which include disability, illness, caregiving responsibilities, and any other significant or unexpected event that precludes the Commissioner’s physical attendance at such meeting; and

THAT a Commissioner participating in a meeting by videoconference shall be capable of being seen, heard and identified while the open portion of such meeting is occurring; and

THAT where videoconferencing is used to conduct a meeting of the Commission, members of the public may view Commission hearings and meetings by video and may attend and, where public comment is authorized, participate in such hearings and meetings in person, by videoconference, or by any other remote means established by the Commission, except where the Commission is in executive session; and

THAT any Commissioner wanting to participate in a meeting or hearing of the Commission by videoconference shall, prior to such meeting or hearing, notify the Executive Director of such Commissioner’s intent to do so and obtain their consent thereto; and

THAT the authorization described in this Resolution applies also to meetings of committees and subcommittees of the Commission.

This Resolution shall take effect on, October 12, 2022.

Adopted by the Public Design Commission, October 11, 2022.