

**RESOLUTION**

**PROCUREMENT POLICY BOARD  
CITY OF NEW YORK**

**September 19, 2024**

**WHEREAS**, as stated in the Open Meetings Law (OML) it is “essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions”; and

**WHEREAS**, the Procurement Policy Board (PPB) is committed to maintaining transparency and public access to its meetings, as required by the OML; and

**WHEREAS**, the PPB desires to memorialize its administrative procedures; and

**WHEREAS**, Section 103-a(2)(a) of the OML requires public bodies that intend to use video conferencing adopt a resolution authorizing such use; and

**WHEREAS**, pursuant to Executive Order 121 of 2008, the Mayor’s Office of Contract Services (MOCS) is responsible for assisting the PPB in carrying out its Charter duties and responsibilities and serves as the Clerk for meetings and hearings;

**NOW THEREFORE**,

**BE IT RESOLVED**, the PPB authorizes its members who are unable to be physically present at a meeting location due to extraordinary circumstances to attend meetings by videoconference in compliance with the OML and further defined by any rules or written procedures later adopted.

**RESOLVED**, the PPB adopts the Administrative Procedures created by MOCS and directs MOCS to post the Administrative Procedures on the website for the PPB.

THIS IS A TRUE COPY OF THE RESOLUTION ADOPTED BY THE  
PROCUREMENT POLICY BOARD ON  
September 19, 2024  
Signed: David Garfinkel  
Name: David Garfinkel  
Title: Deputy General Counsel

# Procurement Policy Board

## Administrative Procedures

### 1) Meeting Proceedings

- a. Meetings shall be held at a time and location to be noticed for the PPB and the public by the Clerk.
- b. A quorum shall consist of three members.
- c. The Clerk shall post a notice, indicating the time and location, of PPB meetings in the City Record and shall inform public officials, the media, and the public as required by the OML.
- d. An agenda shall be created by the Clerk and distributed to PPB members prior to a meeting.
- e. First and last name placards, provided by the Clerk, shall be placed in front of PPB members.
- f. Meetings shall be recorded by the Clerk, and the recordings shall be made publicly available within five business days following the meeting and shall remain so available for a minimum of five years thereafter.
- g. Such recordings shall be deemed to be meeting minutes.

### 2) Videoconferencing

As allowable by the OML, and at the discretion of the Clerk, videoconferencing may be used to conduct meetings, provided that:

- a. PPB members shall be physically present at any meeting of the PPB unless such member is unable to be physically present at a designated public meeting location due to extraordinary circumstance.
- b. For purposes of these procedures, the term “extraordinary circumstances” include disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.
- c. A minimum number of the PPB members must be present to fulfill the PPB’s quorum requirement in the same physical location or locations where the public can attend.
- d. If a member is unable to be physically present at one of the designated public locations and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the member must notify the Clerk no later than 4 business days prior to the scheduled meeting.
- e. A member who is participating from a remote location that is not open to in-person physical attendance by the public shall not count toward a quorum of the PPB, but may participate and vote if there is a quorum of members at a physical location(s) open to the public.
  - i. However, a member with a disability as defined in Section 292 of the New York Executive Law that prevents the member from being physically present at the meeting and who is participating from a remote location that is not open to in-person physical attendance by the public shall count toward a quorum of the PPB.
- f. The PPB 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. Members participating by videoconferencing from

private locations due to extraordinary circumstances shall ensure that their full first and last name appears on their videoconferencing screen.

- g. The PPB, at any meeting involving videoconferencing, shall state if any members are participating remotely from a private location.
- h. The relevant public notice shall inform the public that videoconferencing will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or available.
- i. Recordings of meetings involving videoconferencing shall be transcribed upon request.
- j. In-person participation requirements shall not apply during a state disaster emergency declared by the governor if the Clerk determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the PPB to hold an in-person meeting.

### 3) Public Hearings

- a. Public hearings shall be held and conducted by the Clerk in accordance with the City Administrative Procedure Act (CAPA), at a time and location noticed by the Clerk.
- b. Members of the public who wish to speak at the hearing must register with the Clerk.
- c. The Clerk may establish a limit on the time available to each member of the public for speaking at a hearing, which limit shall not be less than three minutes.
- d. Public hearings shall be recorded by the Clerk, and the recordings shall be made publicly available.

### 4) Severability

- a. If any provision of these Administrative Procedures or the application thereof to any person or circumstance is adjudged invalid by a court of competent jurisdiction or the applicable authorizing provisions of the OML have been repealed, such judgment or repeal shall not affect or impair the validity of the other provisions of these Administrative Procedures or the application thereof to other persons and circumstances.