

REMOTE ACCESS POLICY

[Adopted on July 11, 2022]

SECTION 1. PURPOSE AND SCOPE. Article 7 of the Public Officers Law of the State of New York (the “Open Meetings Law”) contains various provisions providing that, among other things, every meeting of a public body shall be open to the general public (each, an “Open Meeting”). Section 103-a of the Open Meetings Law (the “Remote Access Law”) further provides that a public body may use videoconferencing to conduct an Open Meeting in certain limited circumstances to be outlined and governed by written procedures of such public body. The purpose of this Policy is to set forth procedures to implement the Remote Access Law as it applies to Open Meetings conducted by County of Clinton Industrial Development Agency (the “Agency”).

SECTION 2. DEFINITIONS. All words and terms used herein and not defined in the Open Meetings Law and the Remote Access Law shall have the meanings assigned to them in Article 18-A of the General Municipal Law of the State of New York (the “Act”), unless otherwise defined herein or unless the context or use indicates another meaning or intent. The following words and terms used herein shall have the respective meanings set forth below, unless the context or use indicates another meaning or intent:

“Immediate Family Member” shall mean a spouse, parent, sibling, child, domestic partner, or individual for whom the member is the designated guardian.

“In-Person Meeting” shall mean any Open Meeting of the Agency which is not a Remote Access Meeting.

“Meeting Notice” shall mean the public notice required to be published by the Agency regarding any Open Meeting pursuant to Section 104 of the Open Meetings Law and Section 103-a(2)(f) of the Remote Access Law.

“Non-Public Location” shall mean any remote location from which a member of the Agency participates in a meeting that is (a) not open to the public and (b) is not required to be disclosed in the Meeting Notice.

“Open Meetings Law” shall mean Article 7 of the Public Officers Law of the State of New York.

“Public Location” shall mean (a) the Offices of the Agency located at 137 Margaret Street – Suite 209, Plattsburgh, New York 12901 or (b) any other physical location that is (i) open to the general public and (ii) identified on the Meeting Notice.

“Remote Access Law” shall mean Section 103-a of the Open Meetings Law.

“Remote Access Meeting” shall mean any Open Meeting of the Agency where a member of the Agency participates in the Open Meeting using videoconferencing from a Non-Public Location.

“Remote Connection” shall mean the process of connecting multiple Public Locations using videoconferencing.

“Sponsoring Municipality” shall mean Clinton County, New York, the municipality for whose benefit the Agency was created.

SECTION 3. GENERAL RULE. (A) All meetings of the Agency, including public hearings held by the Agency, will be Open Meetings.

(B) Members of the Agency shall be physically present at the Public Location(s) identified in the Meeting Notice unless such member is unable to be physically present due to extraordinary circumstances as identified in Section 4 of this Policy.

(C) A majority of the whole number of the members of the Agency shall be physically present at the Public Location(s) identified in the Meeting Notice to establish a quorum. The Agency must satisfy this quorum requirement whether it conducts an In-Person Meeting or a Remote Access Meeting.

(D) Members of the public shall be permitted to attend, listen and observe all Open Meetings at the Physical Location(s) identified in the Meeting Notice unless the in person participation requirement is suspended pursuant to Section 103-a(3) of the Remote Access Law.

(E) If the Agency conducts a Remote Access Meeting pursuant to this Policy, except in the case of executive sessions, members of the public shall be permitted to attend and observe the meeting using a videoconferencing service which permits the public to see, hear and identify the members of the Agency attending said meeting.

(F) If the Agency conducts a Remote Access Meeting pursuant to this Policy, the Agency shall use the videoconferencing technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA) pursuant to Section 103-a(5) of the Remote Access Law.

(G) Nothing herein shall prohibit the Agency from holding meetings entirely by videoconference, with no in-person requirement, during a state of emergency declared by the Governor of the State of New York pursuant to Section 28 of the Executive Law of the State of New York or by the appropriate officials of the Sponsoring Municipality pursuant to Section 24 of the Executive Law 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.

SECTION 4. REMOTE ACCESS MEETINGS. (A) The Agency may, at its discretion, conduct a Remote Access Meeting and permit a member or member(s) of the Agency to participate in the meeting from a Non-Public Location using videoconferencing provided that (i) a quorum of members of the Agency are present in the identified Physical Location(s) and (ii) the member of the Agency is unable to be physically present at such meeting due to extraordinary circumstances including, but not limited to:

- (a) disability;
- (b) illness, including but not limited to compliance with applicable quarantine requirements;
- (c) the death of an Immediate Family Member;
- (d) caregiving responsibilities for an Immediate Family Member;
- (e) any other significant or unexpected factor that may preclude physical attendance; and

- (f) other significant or unexpected factors or events which shall be identified by the agency in subsequent amendments to this Policy.

(B) A member of the Agency who wishes to participate in a meeting by videoconference must provide advance notice and justification for such member's absence to the extent possible to both the Chairperson and the Executive Director of the Agency. The Chairperson and the Executive Director of the Agency may require any member of the Agency requesting to participate in a meeting by videoconference to provide documentation, to the extent possible, supporting such request and may publicly confirm that such documentation was received without publicly stating the contents of such documentation.

SECTION 5. PUBLIC PARTICIPATION. Members of the public shall only be permitted to participate in meetings of the Agency if (a) the Agency invites public comment or (b) public comment is required by law. Where the public is permitted to participate, the Agency shall permit public comment pursuant to its Public Comment Period Policy adopted by the Agency on August 10, 2020, a copy of which is attached hereto as Appendix A. If public participation is permitted at a Remote Access Meeting, the Agency shall ensure that members of the public have equal opportunity to participate in real time in such meetings whether attending in-person or remotely via videoconference.

SECTION 6. REMOTE ACCESS MEETING MINUTES. If the Agency conducts a Remote Access Meeting, the minutes of such meeting shall (a) include which, if any, members of the Agency participated remotely, (b) be available to the public within two (2) weeks from the date of such meeting, and (c) be posted on the Agency's website within two (2) weeks from the date of such meeting. For purposes of this requirement, (I) unabridged video recordings or unabridged audio recordings or unabridged written transcripts may be deemed to be meeting minutes and (II) this requirement shall not require the creation of minutes if the Agency (or committee) would not otherwise take them.

SECTION 7. MEETING NOTICE. The Agency shall give notice to the public and the news media of all meetings of the Agency pursuant to the requirements of Section 104 of the Open Meetings Law and Section 103-a(2)(f) of the Remote Access Law. The Meeting Notice shall include the following information:

- (a) the date and time the meeting is scheduled;
- (b) the Public Location where the meeting will be held;
- (c) the Public Location(s) where members of the Agency will be participating using Remote Connection;
- (d) whether any members of the Agency will be participating using Remote Access;
- (e) where the public can view and/or participate in such meeting whether in-person or remotely; and
- (f) where required documents and records will be posted or available.

SECTION 8. MEETING RECORDS. The Agency shall ensure that (a) each meeting shall be streamed on its website in real time, (b) each meeting shall be recorded, (c) such recordings are posted or linked on the public website of the Agency within five (5) business days following such meeting, and (d) such recordings remain so available for a minimum of five (5) years thereafter, pursuant to Section

103-a(2)(g) of the Remote Access Law and Section 857 of the Act, respectively. The Agency shall further ensure that recordings of any Remote Access Meetings are transcribed upon request.

SECTION 9. POSTING. This Policy shall be conspicuously posted on the Agency's website.

APPENDIX A

PUBLIC COMMENT PERIOD POLICY

[Adopted on August 10, 2020]

The public comment period shall be reserved as an item of business on the agenda for all regular and special meetings of the County of Clinton Industrial Development Agency (the "Agency"). All comments to be made during the public comment period shall be subject to the following guidelines:

1. Prior to the start of the public comment period, persons wishing to address the members of the Agency will register on a sign-up sheet to be provided by staff of the Agency. Prior to beginning the public comment period, the Chairperson will collect the sign-up sheet and recognize speakers in the order that they registered. Speakers will be asked to identify themselves for the record.

2. Topics must be germane to the Agency.

3. Each speaker shall be limited to a maximum time of three (3) minutes. Each speaker will only be allowed to speak once during the public comment period. The Executive Director of the Agency (the "Executive Director") shall serve as time keeper and will promptly announce when the speaker's time has expired. The public comment period at any meeting of the Agency shall be limited to twenty (20) minutes in duration, subject to extension by the Chairperson at his or her sole discretion.

4. No time may be yielded or transferred from one speaker to another. Each speaker will be concise and avoid repetition. In order to avoid repetition and delay, groups of people supporting the same position are encouraged to designate a spokesperson for the group.

5. The public comment period is not intended to require the members or staff of the Agency to answer any questions. Members of the Agency may ask a speaker to clarify information in order to better understand the speaker's comments. The members of the Agency will not take action on an item presented during the public comment period. Upon completion of the public comment period and when appropriate, the members of the Agency may summarize the comments heard from citizens. If necessary, the item may be added to the agenda of a future meeting, thereby providing the staff an opportunity to research the item and provide data to the members of the Agency for consideration and review.

6. Speakers will address comments to the members of the Agency as a whole and not one individual member. Discussions between speakers and members of the audience will not be permitted during the public comment period.

7. Speakers who have prepared written remarks are encouraged to leave a copy of such remarks with the Executive Director. Speakers who have materials that they want distributed to the members of the Agency related to the item they plan to discuss during the public comment period shall provide ten (10) copies of those documents to the Executive Director prior to the start of the meeting.

8. Speakers shall be civil and courteous in their language and presentation. Insults, personal attacks, accusations, profanity, vulgar language, inappropriate gestures, or other inappropriate behavior will not be tolerated.

9. In order to provide for the maintenance of order and decorum in the conduct of the meeting, the Chairperson may declare “out-of-order” any person who fails to comply with this policy. The Chairperson shall caution any such person to abide by the provisions of this policy. Refusal to do so shall be grounds for removal of the speaker from the meeting.