

Resolution No. _____
Law Enforcement Agency Accreditation Council

WHEREAS, pursuant to Executive Law §846-h, there is hereby created within the Division of Criminal Justice Services the Law Enforcement Agency Accreditation Council; and

Whereas, as a public body the Law Enforcement Agency Accreditation Council is subject to the Open Meetings Law requirements; and

WHEREAS, by passing Chapter 56 of the Laws of 2022 (“Chapter 56”), the New York State Legislature amended Section 103 of the Open Meetings Law; and

WHEREAS, Chapter 56 adds Section 103-a of the Open Meetings Law, permitting the to authorize its members to attend Law Enforcement Agency Accreditation Council meetings by videoconferencing under extraordinary circumstances; and

WHEREAS, Section 103-a(2)(a) requires the Law Enforcement Agency Accreditation Council to adopt a resolution authorizing the limited use of videoconferencing under such circumstances; and

WHEREAS, Section 103-a(2) allows for hybrid meetings by requiring “that a minimum number of members are present to fulfill the public body’s quorum requirement in the same physical location or locations where the public can attend”; and

WHEREAS, Section 103-a(2)(c) requires that members be physically present at any such meeting “unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances . . . including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting”; and

WHEREAS, in accordance with Section 103-a(2)(d), any members attending by videoconference must 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”; and

WHEREAS, Section 103-a(2)(g) requires that any meeting where a member attends by videoconference be recorded, posted to the Division of Criminal Justice Services website within five business days, and transcribed upon request; and

WHEREAS, pursuant to Section 103-a(2)(h), if videoconferencing is used to conduct a meeting, the Law Enforcement Agency Accreditation Council shall provide the opportunity for members of the public to view such meeting via video and to participate in proceedings via videoconference in real time where public comment or participation is authorized, and shall ensure that videoconferencing authorizes the same public participation or testimony as in person participation or testimony.

WHEREAS, per the Committee on Open Government, public bodies are still permitted to conduct its meetings at multiple physical locations from which members of the body may participate if those locations are open to in-person public attendance, regardless of

extraordinary circumstances. The intent of the amendments to the Open Meetings Law was to expand the authority of a public body to allow its members to participate in a meeting using videoconferencing under limited circumstances when the member's location is not open to in-person public attendance. It was not the intent to limit the existing authority to virtually connect multiple public locations from which members and the public may attend through the use of videoconferencing technology.

THEREFORE, BE IT RESOLVED, that the Law Enforcement Agency Accreditation Council authorizes its members who experience an extraordinary circumstance, as described above and further defined by any rules or written procedures later adopted, to attend meetings by videoconference: (i) as long as a quorum of the members attend in-person at one or more locations open to the public; (ii) as long as the member can be seen, heard, and identified while the meeting is being conducted; and (iii) as otherwise permitted under Chapter 56 of the Laws of 2022; and

BE IT FURTHER RESOLVED, that the Law Enforcement Agency Accreditation Council shall create written procedures further governing its use of videoconferencing by its members in compliance with Chapter 56 of the Laws of 2022, which shall be incorporated into its by-laws.