



ATTACHMENT A

PROCEDURES GOVERNING MEMBER AND PUBLIC ATTENDANCE AT MEETINGS CONDUCTED BY USE OF VIDEOCONFERENCING Adopted by the BUFFALO SEWER AUTHORITY BOARD

Pursuant to Open Meetings Law § 103-a (2)(b), the Buffalo Sewer Authority Board (the “Board”) adopts these Procedures Governing Member and Public Attendance at Meetings Conducted by use of Videoconferencing (the “Procedures”). These Procedures shall apply to all public meetings of the Board conducted by use of videoconferencing and to all public meetings of any committee of the Board now existing or hereafter established conducted by use of videoconferencing. When applying these Procedures to meetings of a committee of the Board, references to the Board shall be deemed to be references to such committee.

1. Except as provided in paragraph 2, each member of the Board who wishes to attend and participate in a public meeting of the Board shall be physically present at a meeting location that is available to the public to attend and identified in the public notice for such meeting. Notwithstanding the provisions in these Procedures that permit members to attend a meeting via videoconferencing from a private location, the Board shall not be permitted to conduct the Board meeting unless the number of members physically present at locations where the public can attend is at least equal to the minimum number of members necessary to fulfill the Board’s quorum requirement. If such quorum requirement is satisfied, the members physically present at location(s) where the public can attend and the member(s) attending the meeting via videoconference from a private location may participate in the meeting and vote at the meeting.
2. If, due to extraordinary circumstances, a member of the Board who wishes to attend and participate in a meeting is unable to be physically present at a meeting location that is available to the public and identified in the public notice for such meeting, such member may submit a written request, including by electronic mail or electronic service such as text message, to the Chairperson, the Secretary or any other member to attend the meeting via videoconference from a private location. The written request must be submitted at a reasonable time, as available under the circumstances, in advance of the meeting (and to

the extent feasible, no later than the time required to allow the public notice for the meeting to be revised to indicate that the meeting will be conducted by use of videoconferencing) and must identify the general nature of the extraordinary circumstance that causes such member to be unable to be physically present at a meeting location that is open to the public and identified in the public notice.

3. Extraordinary circumstances shall include:
 - Disability;
 - Illness;
 - Caregiving responsibilities; and
 - Any other significant or unexpected factor or event which precludes such member's physical attendance at such meeting at a meeting location that is open to the public.
4. Notwithstanding the in-person quorum requirements set forth in paragraph 1, and consistent with section 103-a of the Open Meetings Law, the Board hereby authorizes any member who has a disability as defined in section 292 of the Executive Law, where such disability renders such member unable to participate in-person at any such meeting location where the public can attend, to be considered present for purposes of fulfilling the quorum requirements for the Board at any meetings conducted through videoconferencing pursuant to this section, provided, however, that the remaining criteria set forth in these Procedures are otherwise met and the Board has at least one physical location where the public can attend the meeting.
5. Except in the case of executive sessions conducted pursuant to Section 105 of the Open Meetings Law, the Board shall ensure that its 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. This shall include the use of first and last name placards physically placed in front of the members or, for members participating by videoconferencing from private locations due to extraordinary circumstances, such members must ensure that their full first and last name appears on their videoconferencing screen.
6. The minutes of the meeting involving videoconferencing shall identify which, if any, member(s) participated from a private location due to extraordinary circumstances and shall be available to the public pursuant to Section 106 of the Open Meetings Law.
7. The public notice for the meeting shall inform the public that videoconferencing will be used; shall specify where the public can view the meeting (and, when public participation in the meeting is authorized, shall specify where the public can view and/or participate in the meeting); shall specify where required documents and records will be posted or available; shall identify the physical location(s) for the meeting where the public can attend; and shall otherwise comply with all applicable requirements of the Open Meetings Law.
8. The Board shall provide that each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the public website of the Board

within five business days following the meeting, and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.

9. If videoconferencing is used to conduct a meeting, the public may attend the meeting at any location that is open to the public and, in addition, the Board shall (a) provide the opportunity for members of the public to view such meeting via video, and (b) when public comment or participation is authorized, shall provide the opportunity for members of the public to participate in proceedings via videoconference in real time and shall ensure that videoconferencing authorizes the same public participation or testimony as in person participation or testimony.
10. If videoconferencing is used to conduct a meeting, the Board may require any member of the public who wishes to attend the meeting remotely by videoconference to register for the meeting, provided that such registration shall be open to all and that the manner in which registration can be made is specified in the public notice for the meeting.
11. If videoconferencing is used to conduct a meeting during which public comment is authorized or otherwise accepted, the Board may require any member of the public who provides comments during such meeting to identify themselves and to provide such additional information as may be deemed necessary. Nothing in this paragraph or elsewhere in these Procedures shall be construed as requiring the Board to accept public comments at any meeting or otherwise to permit participation by members of the public in any meeting. If the Board does accept public comments at any meeting or does otherwise permit participation by members of the public in any meeting, nothing in this paragraph or elsewhere in these Procedures shall be construed as limiting the right of the Board to impose such limits and restrictions on such public comments and/or public participation as may be permitted by applicable law or as may be required to maintain order and decorum. Persons attending via videoconferencing determined by the Chairperson to be out of order may be muted or ejected as appropriate to prevent further disruption.
12. The in-person participation requirements of paragraph 1 of these Procedures shall not apply during a State disaster emergency declared by the Governor pursuant to Section 28 of the Executive Law, or a local state of emergency proclaimed by the chief executive of the County or City pursuant to Section 24 of the Executive Law, if the Board, through communication with the Chairperson or Secretary, determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Board to hold an in-person meeting. A determination under this paragraph may be made at a meeting in which any or all of the members participate by videoconferencing from remote locations not open to the public.

ADOPTED: November 1, 2023