



Community Board 12 - Manhattan Washington Heights & Inwood

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Katherine Diaz, Chairperson
Ebenezer Smith, District Manager

October 3, 2023

Hon. Mark Levine
Manhattan Borough President
1 Centre Street, 19th Floor South
New York, NY 10007

Re: Resolution regarding Hybrid Meetings (e.g., In-Person Attendance with a Virtual Participation Option) Adding Qualified Disabilities.

Dear Borough President Levine:

At the General Meeting on Tuesday, September 26th, 2023, Community Board 12, Manhattan, passed the following resolution with a vote of 38 in favor, 0 opposed, 0 abstentions, and 0 not voting, supporting

Whereas, Section 103-a of the New York State Open Meetings Law (OML) as amended on April 9, 2022, authorizes hybrid meetings; and

Whereas, the same section was more recently amended to allow members with self-certified Qualifying Disabilities as defined in section 292 of the executive law, to be counted as part of the in-person quorum. This broadened definition of in-person attendance will be referred to as augmented in-person attendance; and

Whereas, Hybrid meetings require augmented in-person attendance to establish quorum but otherwise allow for virtual participation; and

Whereas, All community boards are subject to OML. If a community board wishes to adopt procedures to permit hybrid meetings under OML, it must draft the procedures it will follow to comply with OML, present the procedures at a public hearing, and adopt the procedures by a resolution of the full community board; and

Whereas, Community Board 12, Manhattan has had enormous success holding virtual meetings for the past several years; and

Whereas, attendance of the public at our meetings increased significantly while they were being held virtually; now, therefore, be it

Resolved, that the General Meetings of Community Board 12, Manhattan, and those of its committees and task forces, be hybrid in conformance with the currently revised OML; and be further

Resolved, that augmented in-person attendance, which includes members with self-certified Qualifying Disabilities as defined in section 292 of the executive law, who choose to attend remotely being included, in the quorum; and be it further

Resolved, that the following rules and instructions must be followed, consistent with the specifications of the revised OML:

Rules and Instructions for Hybrid Meetings

1 - Quorum requirements are not changed, except that board members can meet in several locations simultaneously, provided all these locations are open to the public. A meeting cannot proceed without an augmented in-person quorum being present.

2 - For a board member to attend a meeting virtually, what the OML calls extraordinary circumstances must be occurring. The OML includes the following: "disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which preclude the member's physical attendance at such meeting."

Among these factors or events happen to be all of the excuses for absence in our bylaws [5-5.02]. This implies that the member can take an excused absence, or if they can do so, participate virtually.

An additional factor or event is a serious concern on the part of a board member of either contracting or spreading a communicable disease like COVID-19 by attending a meeting in person.

Some of the circumstances by their nature overlap, and the list, to be just, is broad, but without an actual quorum of members in attendance, however, many may be eligible to attend virtually, the meeting cannot occur.

3 - When a board member attends virtually, their name and the specific reason for their virtual attendance must be recorded in the minutes.

4 - Board members without Qualifying Disabilities attending virtually are not part of the quorum for calling the meeting to order, however, they may fully participate and vote, and their attendance counts towards the number of members present and eligible to vote.

5 - Board members attending the meeting virtually must be able to be heard, seen, and identified, which means there must be a video and audio link and ideally written identification on the screen. This means board members must be continuously visible and audible (within reason) while they attend the meetings. Much like members at an in-person meeting, virtual attendees are permitted to take appropriate breaks, at which time they would not be seen or heard at the meeting.

6 - Members of the public attending virtually must be able to participate in the public session just like those members of the public attending in person.

7 - Virtual meetings must utilize technology to permit access by members of the public with disabilities, consistent with the 1990 Americans with Disabilities Act as amended and corresponding guidelines.

8 - Notice of meetings where there will be virtual participation by board members should set forth that fact, in addition to listing the physical locations where the public can attend and providing information as to how the public can participate virtually. The notice should also state where members of the public can locate documents relative to the matters to be considered at the meeting.

9 - Minutes of meetings where there was a virtual participation must be posted within the time outlined in section 106 of the Public Officers Law (two weeks) and a transcript of the meeting must be available on request.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine Diaz", with a large, stylized flourish at the end.

Katherine Diaz
Chairperson

cc:

Hon. Eric Adams, Mayor

Hon. Jumaane Williams, Public Advocate

Hon. Brad Lander, Comptroller

Hon. Adriano Espaillat, Congressman

Hon. Cordell Cleare, State Senator

Hon. Robert Jackson, State Senator

Hon. Alfred Taylor, Assembly Member

Hon. Manny De Los Santos, Assembly Member

Hon. Carmen De La Rosa, Council Member

Hon. Shaun Abreu, Council Member