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## COMMUNITY BOARD NO. 2, MANHATTAN

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June 30, 2022

Hon. Kathy Hochul  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

Hon. Eric Adams  
Mayor  
City Hall  
New York, NY 10007

Hon. Mark Levine  
Manhattan Borough President  
One Center St. 19<sup>th</sup> Floor  
New York, NY 10007

Dear Governor Hochul, Mayor Adams, and Borough President Levine:

### **Resolution Authorizing Hybrid Meetings Under Open Meetings Law and Allowance for Virtual Meetings**

#### **Whereas:**

1. On April 9, 2022, Governor Hochul signed amendments to section 103 of the New York Public Officers Law (also known as the Open Meetings Law or “OML”) allowing videoconferencing by public bodies – including Manhattan Community Board 2 (CB2) – “to conduct its meetings pursuant to the requirements of this article provided 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...”, effective June 9, 2022 and sunseting July 2024;
2. The in-person attendance requirements do not apply during a declared disaster emergency by the state or the city if the Board determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Board to hold an in-person meeting provided the Board passes a resolution finding that the disaster in question impedes its ability; and
  - a. On May 15, 2022, Governor Hochul issued [Executive Order 11.6](#) declaring a disaster emergency in the State of New York through June, 14, 2022; and,

- b. On May 19, 2022, CB2 passed a resolution authorizing virtual meetings for any extension of a disaster emergency by the State of New York;
  - c. On May 26, 2022, Mayor Eric Adams extended the city disaster emergency for 30 days in [Emergency Executive Order 105](#), issued on May 26, 2022, thereby allowing CB2 to meet virtually until June 27;
3. The COVID-19 pandemic continues to affect CB2 and New York City, even as vaccination rates have increased and hospitalizations and death rates have decreased;
4. Conducting such “hybrid” on-line and in-person meetings requires the local body, in this case CB2, to have “adopted a resolution...following a public hearing, authorizing the use of videoconferencing”;
5. CB2 desires to encourage public participation in its proceedings by making its meetings as open to the public as possible, which includes in-person participation that enables those without access to videoconferencing or telephonic systems to participate as well as virtual participation for those who are unable to attend meetings in-person;
6. CB2 recognizes that there is still much to learn, test, and refine about its processes for conducting hybrid meetings, which inevitably will entail some errors or inconveniences while different procedures are tested;
7. CB2 recognizes that the requirement for in-person quorum may reduce the utility of the virtual component of meetings or threaten quorum for meetings that could otherwise achieve quorum if virtual attendance were included; and,
8. CB2 held a public hearing to discuss this resolution on June 13, 2022, which was attended by nine CB2 members in addition to a quorum of CB2’s executive committee, and a vote to approve hybrid meetings in accordance with this resolution was unanimous.

**Therefore Be It Resolved that Manhattan Community Board 2:**

1. Authorizes the full Board and all of its committees, subcommittees, and task forces to choose to conduct hybrid meetings in compliance with the New York State Open Meetings Law;
2. Shall endeavor to comply with all relevant aspects of the NYS Open Meetings Law in its conduct of hybrid meetings, including but not limited to:
  - a. Securing physical locations open to the public for attendance by CB2 members and members of the public;
  - b. Requiring members of CB2 to be physically present at any such meeting unless such member is unable to be physically present because of 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;

- c. Requiring members of CB2 attending remotely or virtually to be able to be **heard, seen, and identified**, while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, or any other matter formally discussed or voted upon; and
  - d. Including in public notices of CB2 meetings a notice that videoconferencing will be used and where and how the public can view and/or participate in such a meeting, where required documents and records will be posted or available, and identifying the physical location where the public can attend; and
3. Authorizes virtual meetings for any extension of an Executive Order declaring a state of emergency by the State of New York or the City of New York, through the date of the Executive Order;
4. Authorizes its Chair, or in the event of documented incapacitation of its Chair, its First Vice Chair, to make a determination that in the event of any other declared state or city disaster emergency, said disaster emergency impedes CB2's ability to meet in-person and thus permits and requires CB2 and all its committees, subcommittees, and task forces to conduct entirely virtual meetings in compliance with the relevant portions of the New York State Open Meetings Law;
5. Will continue to adopt rules and regulations around the format of hybrid and virtual meetings, including any necessary amendments to CB2's Bylaws, but at this time, in the interest of establishing in-person quorum for hybrid meetings under OML, strongly encourages any CB2 Members seeking to attend a hybrid meeting virtually to submit a request for virtual accommodation, with the reason for such accommodation, at least 72 hours prior to the meeting and otherwise, as soon as feasibly possible to the following:
  - a. For full board meetings to the Chair, the Second Vice Chair, the Secretary, the Assistant Secretary, and the District Manager; and,
  - b. For committee and task force meetings to the relevant committee or task force Chair, Co-Chairs or Vice Chair and the District Manager;
6. Urges the Governor and its State Assembly and State Senate to continue to improve the Open Meetings Law's provisions for videoconferencing by reconsidering the requirement of a full in-person quorum; and,
7. Urges the Mayor, the City Council and Manhattan Borough President to allocate additional funding and resources to better support virtual and hybrid meetings and the resources and technical support required to sustain such practices.

Vote: Unanimous, with 34 Board Members in favor.

Sincerely,



Jeannine Kiely  
Chair  
Manhattan Community Board 2

- c: Hon. Carolyn Maloney, Congresswoman
- Hon. Jerrold Nadler, Congressman
- Hon. Nydia Velázquez, Congresswoman
- Hon. Brad Hoylman, NYS Senator
- Hon. Brian Kavanagh, NYS Senator
- Hon. Deborah J. Glick, NYS Assembly Member
- Hon. Yuh-Line Niou, NYS Assembly Member
- Hon. Brad Lander, NYC Comptroller
- Hon. Jumaane Williams, NYC Public Advocate
- Hon. Adrienne Adams, Speaker, NY City Council
- Hon. Erik Bottcher, Council Member
- Hon. Christopher Marte, Council Member
- Hon. Carlina Rivera, Council Member