

**RESOLUTION AUTHORIZING THE USE OF
VIDEOCONFERENCING FOR PUBLIC MEETINGS**

A regular meeting of the Onondaga County Industrial Development Agency (the “Agency”) was convened in public session on March 23, 2023, at 8:30 a.m., local time, at 335 Montgomery Street, 2nd Floor, Syracuse, New York.

The meeting was called to order by the (Vice) Chairperson of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT: Patrick Hogan
Janice Herzog
Susan Stanczyk
Kevin Ryan

ABSENT: Fanny Villarreal

ALSO PRESENT: Robert M. Petrovich, Executive Director
Jeffrey W. Davis, Esq., Agency Counsel
Amanda M. Fitzgerald, Esq., Agency Counsel

The following resolution was offered by Janice Herzog, seconded by Kevin Ryan, to wit:

**RESOLUTION OF ONONDAGA COUNTY INDUSTRIAL
DEVELOPMENT AGENCY TAKING OFFICIAL ACTION (i)
AUTHORIZING THE USE OF VIDEOCONFERENCING
PURSUANT TO PUBLIC OFFICERS LAW SECTION 103-A; AND
(ii) ADOPTING WRITTEN PROCEDURES FOR THE USE OF
VIDEOCONFERENCING.**

WHEREAS, Onondaga County Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”), Chapter 435 of the Laws of 1970 of the State of New York and Chapter 676 of the Laws of 1975 of the State of New York, as amended, constituting Section 895 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, Chapter 56 (Part WW) of the Laws of 2022 of the State of New York added Section 103-a to the Public Officers Law (the “Videoconferencing Law”) to allow members of public bodies to participate in meetings by videoconference from a location that is not accessible to the public so long as certain conditions are met; and

WHEREAS, pursuant to the Videoconferencing Law, prior to the Agency authorizing the use of videoconferencing to conduct its meetings, the Agency, among other things, must hold a public hearing pursuant to the Videoconferencing Law with respect to said videoconferencing and pursuant to the authorization in a resolution of the Agency duly adopted on February 9, 2023, on March 15, 2023 at 10:00 am., local time, at 335 Montgomery Street, 2nd Floor, Syracuse, New York 13202, the Agency held a public hearing with respect to the use of videoconferencing, whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views and a report of such public hearing has been presented to the Agency; and

WHEREAS, the Agency desires to utilize videoconferencing to conduct meetings when extraordinary circumstances so necessitate, as set forth in the Procedures for Videoconferencing for Public Meetings attached hereto as Exhibit A (the “Videoconferencing Procedures”) and incorporated herein;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Agency finds it in the best interest of the Agency and the public under certain extraordinary circumstances for members to participate in the meetings of the Agency in accordance with the Videoconferencing Law and as outlined in the Videoconferencing Procedures and so hereby authorizes, for itself and any committees and subcommittees of the Agency, the use of videoconferencing in accordance with the accordance with the Videoconferencing Law and the attached Videoconferencing Procedures.

Section 2. The Agency hereby adopts, as a formal policy of the Agency, the Videoconferencing Procedures and the Executive Director of the Agency is hereby directed to post the Videoconferencing Procedures on the Agency’s website.

Section 3. All acts hereto undertaken and performed on behalf of the Agency related to the Videoconferencing Procedures are hereby ratified, approved and confirmed.

Section 4. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Patrick Hogan	X		
Janice Herzog	X		
Susan Stanczyk	X		
Kevin Ryan	X		
Fanny Villarreal			X

The foregoing resolution was thereupon declared duly adopted.

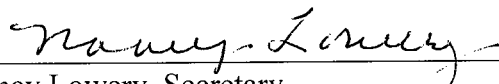
STATE OF NEW YORK)
) ss.:
COUNTY OF ONONDAGA)

I, the undersigned Secretary of the Onondaga County Industrial Development Agency, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on March 23, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matter therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting, (B) said meeting was in all respects duly held, (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law, and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed, or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand this 24 day of March, 2023.



Nancy Lowery, Secretary

(SEAL)

EXHIBIT A

DRAFT FOR DISCUSSION PURPOSES ONLY

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

PROCEDURES FOR VIDEOCONFERENCING FOR PUBLIC MEETINGS

Section 1 - Purpose:

The Onondaga County Industrial Development Agency (the “Agency”) adopts these procedures in accordance with Open Meetings Law Section 103-a (the “Videoconferencing Law”) in order to provide the procedures by which public meetings of the Agency may be conducted via videoconferencing.

Section 2 – Use of Videoconferencing; Quorum:

The Agency may, in its discretion, use videoconferencing to conduct its meetings, provided that a minimum number of members of the Agency are present to fulfill the Agency’s quorum requirement in the same physical location(s) where the public can attend and subject to the Videoconferencing Law.

Section 3 – In-Person Requirement; Extraordinary Circumstances:

Members of the Agency shall 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. Extraordinary circumstances include, but are not limited to, the following: disability, illness, caregiving responsibilities or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting. Members must notify the Chairperson and the Executive Director as soon as possible of any extraordinary circumstances that require attendance via videoconferencing. It shall be the sole discretion of the Chairperson and the Executive Director, in consultation with Agency counsel, as to whether such circumstances fit within the above-described extraordinary circumstances.

Section 4 - Public Notice:

If videoconferencing is being used to conduct a meeting of the Agency, the public notice for the meeting shall include the following information:

- (1) That videoconferencing will be used;
- (2) Where the public can view and/or participate in such meeting;
- (3) Where required documents and records will be posted or available; and
- (4) Identify the physical location for the meeting where the public can attend.

Section 5 - Conduct of Meeting and Public Participation:

Except in the case of executive sessions, the Agency shall ensure that members of the Agency 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. The Agency 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. Technology shall be utilized to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act, as amended.

Section 6 - Recording:

Each meeting conducted using videoconferencing shall be recorded and such recordings shall be posted or linked on the Agency's website within five business days following such meeting and shall remain available for a minimum of five years. Such recordings shall be transcribed upon request.

Section 7 – Meeting Minutes:

The meeting minutes of each meeting conducted using videoconferencing shall include which, if any, members of the Agency participated remotely and shall be made available to the public upon request.

Section 8 - Website:

These guidelines shall be conspicuously posted on the public website of the Agency.

Section 9 – State of Emergency:

Notwithstanding anything herein to the contrary, the in-person participation requirement shall not apply during a state disaster emergency declared by the New York State governor pursuant to Section 28 of the State Executive Law, or a local state of emergency proclaimed by the Onondaga County Executive or a city, village or town within Onondaga County pursuant to Section 24 of the State Executive Law, if the Agency determines that the circumstances necessitating the emergency declaration would affect or impact the ability of the Agency to hold an in-person meeting.

Adopted: _____