

DUTCHESS COUNTY INDUSTRIAL DEVELOPMENT AGENCY
OPEN MEETINGS LAW POLICY

In compliance with Article 7 of the New York State Public Officers Law the Board of Directors of the Dutchess County Industrial Development Agency (“DCIDA”) adopts this Open Law Policy.

PURPOSE

Every meeting of a public body must be open to the general public, with certain limited exceptions. The purpose of this Part is to establish procedures for the implementation of the Open Meetings Law.

DEFINITIONS

Except as otherwise provided herein, the definitions contained in Section 102 of the Open Meetings Law apply to this Policy. As used in the Policy:

a. “Meeting” means the official convening of the Agency or any committee or other body consisting of DCIDA members (or consisting of members of the general public if formally created by the DCIDA to advise the DCIDA or conduct business on behalf of the DCIDA) for the purpose of conducting public business.

b. “Executive Session” means that portion of a meeting not open to the general public. Pursuant to Section 105 and Section 108 of the Open Meetings Law as in effect on the date of adoption of this Policy, an executive session was permitted for the following purposes:

- (1) matters which will imperil the public safety if disclosed;
- (2) any matter which may disclose the identity of a law enforcement agent or informer;
- (3) information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
- (4) discussions regarding proposed, pending or current litigation;
- (5) collective negotiations pursuant to article fourteen of the civil service law;
- (6) the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
- (7) the preparation, grading or administration of examinations;

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- (8) the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body but only when publicity would substantially affect the value thereof; and
- (9) any matter made confidential by state or federal law.

CONDUCT OF MEETING

a. In compliance with the Open Meetings Law, every meeting shall be open to the general public, except that an executive session may be called and business conducted in accordance with subsection b. hereof.

b. Conduct of Executive Sessions. Upon a majority vote of the Agency, or the members of the committee or other body thereof, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, a meeting may be conducted as an executive session for the purposes specified in Section 105 of the Open Meetings Law. The DCIDA or the members of the subcommittee or other body may permit any person to attend an executive session.

c. Recording Devices. Any meeting of the Agency that is open to the public shall be open to being photographed, broadcast, webcast or otherwise recorded and/or transmitted by audio or video means. The Agency may adopt rules reasonably governing the location of equipment and personnel used to photograph, broadcast, webcast or otherwise record a meeting so as to conduct its proceedings in an orderly manner. If such rules are adopted they shall be conspicuously posted during meetings and written copies shall be provided upon request to those in attendance.

PUBLIC NOTICE

Meetings shall be noticed as follows:

a. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the Dutchess County Executive, the Chairperson of the Dutchess County Legislature and news media. Such notice shall be conspicuously posted in one or more designated public locations at least seventy-two hours before such meeting.

b. Public notice of the time and place of every other meeting shall be given, to the extent practicable, to the Dutchess County Executive, the Chairperson of the Dutchess County

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Legislature and news media. Such notices shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.

c. Public notice shall also be given to the municipal subdivision (town, city or village) and municipal taxing authority (school district, fire district or other special improvement district) in which a proposed DCIDA project is located.

d. When the DCIDA has the ability to do so, notice of the time and place of a meeting shall also be conspicuously posted on the Agency's internet website

e. The public notice provided for by this section shall not be construed to require publication as a legal notice.

f. On the date when the notice is given as aforesaid, the Executive Director and Chief Financial Officer of the DCIDA shall cause a certificate or affidavit regarding the giving of such notice to be prepared, and shall cause a copy of said certificate and of the notice of such meeting to be placed in the DCIDA's minute book.

WRITTEN PROCEDURES FOR BOARD MEETINGS HELD VIA
VIDEOCONFERENCING

The following procedures shall govern any public meetings of the Dutchess County Industrial Development Agency (the "Agency"), including all committee meetings, held via videoconferencing:

- a. In the case of a state disaster emergency declared by the State or a local state of emergency proclaimed by Dutchess County, which impairs the ability of the Agency to hold an in-person meeting, a meeting of the Board of Directors of the Agency (the "Board") may be held solely via videoconferencing.
- b. In all other cases, at the discretion of the Chairman, individual Board members may attend a meeting via videoconferencing due to "extraordinary circumstances" (as defined herein) provided, however, that such Board member's remote attendance shall comply with all relevant laws related to remote attendance and that all meetings shall have the minimum number of Board members physically present at a location where the public can attend in order to fulfil the Board's quorum requirement.

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- c. “Extraordinary circumstances” include disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event approved by the Chairman which precludes a Board member’s physical attendance at any meeting.
- d. Notice for any meeting that will be held via videoconference, other than for State or local emergency, shall inform the public (1) that videoconferencing will be used; (2) how to access and/or participate in the meeting; (3) where required documents and records will be posted or otherwise made available; and (4) of the physical location where the meeting is to be held. The notice shall be posted on the Agency’s official website.
- e. All Board members shall be seen and heard while the meeting is being conducted.
- f. In all instances where public comment or participation is permitted and/or required at a public meeting of the Board, members of the public shall be able to view and participate in the meeting via videoconferencing in real time. There shall be no difference in the level of participation for members of the public who chose to attend via videoconference as for members of the public who chose to attend the meeting in person.
- g. The minutes of any meetings held via videoconferencing shall include which Board members, if any, participated remotely and shall be available to the public.
- h. All meetings held via videoconferencing shall be recorded and the recordings shall be posted on the Agency’s official website within five business days following the meeting. The recordings shall remain available on the Agency’s official website for five years following the meeting and shall be transcribed upon request.

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MINUTES

a. Open Meetings. Minutes shall be taken at all open meetings, which shall consist, at a minimum, of a record or summary of all motions, proposal, resolutions and any other matters formally voted upon, and the votes thereon.

b. Executive Sessions. Minutes shall be taken at executive sessions of any action taken by formal vote, which shall consist, at a minimum, of a record summary of the final determination of such action, and the date and vote thereon. Such minutes need not include any matter not required to be made public by the Freedom of Information Law.

c. Minute Books. A copy of the minutes for each meeting or executive session shall be kept by the Executive Director and Chief Financial Officer of the DCIDA in the minute books of the DCIDA at the DCIDA office.

d. Date of Availability. In accordance with the provisions of the Freedom of Information Law minutes for open meetings will be made available to the public within two weeks from the date of such meeting. Minutes taken in executive session are to be available to the public within one week of the date of the executive session.

WEB SITE

The Agency shall post agendas, minutes, policies and other material required by applicable New York law on the web site of the DCIDA.

EXEMPTIONS

No provision herein shall extend to any matter made confidential by federal or state law.

OPEN MEETINGS LAW

Any details not specified in this policy should be located in the actual law, which may be found at <http://www.dos.ny.gov/coog/openmeetlaw.html>.

*Adopted 4/15/2014
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