



**ADOPTED**

DOC ID: 10341

**RESOLUTION NO. 003-2021**

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## **Urging New York State to Issue an Executive Order Allowing for Remote Attendance at Public Meetings**

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mark Witmer, Co-Chair, Town of Caroline  
**SECONDER:** Robert Lynch, Member, Town of Enfield  
**AYES:** Wetmore, Witmer, Howe, Conger, Gagnon, Hart, James, Lynch, Murphy, Scheffler, Woodard, Zahler, Leifer, McGonigal

WHEREAS, on March 12, 2020, in an effort to contain the spread of the novel coronavirus, otherwise known as COVID-19, New York Governor Andrew M. Cuomo issued Executive Order 202.1 which suspended portions of Article 7 of the New York Public Officers Law “to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in-person access to meetings and authorizing such meetings to be held remotely by videoconference, provided that the public has the ability to view or listen to such proceedings and that such meetings are recorded and later transcribed,” and

WHEREAS, Governor Cuomo successively extended such suspension by Executive Orders on a monthly basis through June 25, 2021, and

WHEREAS, on June 24th, 2021, by Executive Order 210, Governor Cuomo rescinded Executive Orders 202 through 202.111, including Executive Order 202.1, effective June 25, 2021, the Governor concluding that “the State of New York [has] successfully flattened the curve of COVID-19 cases in New York,” and, therefore, the Executive Orders were “no longer necessary,” and

WHEREAS, the Governor’s rescission of Executive Order 202.1 now requires that public meetings convene in-person at a central location and allow public attendance there and at any locations from which members of the public body attend remotely by videoconference, and

WHEREAS, since the issuance of Executive Order 210, the increased prevalence of the Delta Variant of COVID-19 has caused a resurgence of coronavirus cases throughout the United States, New York State and Tompkins County, prompting local governments to reinstate public health advisories that call for the indoor masking of individuals, whether vaccinated or not, and recommend limitations on the size of indoor gatherings, including municipal meetings, and

WHEREAS, it is important that public officials, each with their individual family and health circumstances, be able to attend public meetings in a manner that allows them to maintain a level of safety that they feel is appropriate for them, and

WHEREAS, no legislative remedy to this problem of in-person public meetings mandated by OML during a global pandemic through amendment of Article 7 of the New York Public Officers Law is likely to occur before January 2022, now therefore be it

RESOLVED, the Tompkins County Council of Governments respectfully requests that the Governor of the State of New York immediately re-impose through Executive Order those portions of previous Executive Order 202.1 that suspended portions of Article 7 of the New York Public Officers Law, commonly referred to as the “Open Meetings Law,” so as to permit municipal governing boards and other, similar municipal bodies, to conduct public meetings

remotely in a manner similar to, and with like restrictions, as Executive Order 202.1 permitted, and that such suspension continue until such time as the coronavirus pandemic has passed or legislative remedies have been made to Open Meetings Law, and be it further

RESOLVED, that a copy of this Resolution shall be sent to The Honorable Kathy C. Hochul, Lieutenant Governor and New York Governor-Designate, the Honorable Pamela Helming, New York State Senator, Dr. Anna R. Kelles, New York State Assemblymember, and the Association of Towns of New York State.

STATE OF NEW YORK )  
                                  ) ss:  
COUNTY OF TOMPKINS)

I hereby certify that the foregoing is a true and correct transcript of a resolution adopted by the Tompkins County Council of Governments on August 26, 2021.

  
Katrina McCloy, Staff  
Tompkins County Council of Governments