

FOR CONSIDERATION

May 18, 2022

TO: The Board of Trustees

FROM: Thomas Falcone

REQUEST: Consideration of Resolution Permitting the LIPA Board and its Committees to Use Video Conferencing in Accordance with New York State Open Meetings Law

Requested Action

The Board of Trustees (the “Board”) of the Long Island Power Authority (“LIPA”) is requested to adopt a Resolution permitting the Board and its Committees to use video conferencing for its public meetings in accordance with New York State Open Meetings Law (“OML”).

Discussion

At the outset of the COVID-19 pandemic, the Governor of the State of New York issued certain Executive Orders that amended provisions of the OML permitting governmental bodies to prohibit public access to meetings. LIPA took steps to not only protect public health, but to also ensure that, while the public could not physically attend its open meetings, it was still afforded an opportunity to participate in LIPA Board proceedings.

In furtherance of that effort, members of the public were encouraged to observe the live stream of LIPA meetings. All meetings were also recorded and posted to LIPA’s website for later viewing. LIPA also utilized technology to afford members of the public the opportunity to register to comment “virtually” at Board meetings. Lastly, written comments are always accepted by the Board.

The changes to OML were previously tied to the COVID-19 State of Emergency, such that when the State of Emergency expired, the changes to OML would then be null and void. As part of the New York State budget signed on April 4, 2022, the budget legislation adopted similar language as the prior authorization permitting LIPA to hold fully virtual meetings until June 8th. After June 8th, meetings must be held in person, but, as set forth in permanent amendments to OML, there is now an allowance for a minority of Board members to join meetings virtually where the Trustee has a disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the Trustee’s physical attendance at the meeting.

That legislation requires the LIPA Board to adopt a resolution that authorizes the use of video conferencing and sets forth certain parameters when video conferencing will be permitted. The legislation also requires that, in the event the governmental body chooses to permit video conferencing, they also afford the public the opportunity to attend virtually.

Recommendation

Based upon the foregoing, it is recommended that the Trustees adopt the resolution in the form attached hereto as **Exhibit “A”**.

Attachment

Exhibit “A” Resolution

RESOLUTION PERMITTING THE LIPA BOARD AND ITS COMMITTEES TO USE VIDEO CONFERENCING IN ACCORDANCE WITH NEW YORK STATE OPEN MEETINGS LAW

NOW, THEREFORE, BE IT RESOLVED, that consistent with the accompanying memorandum, the Board hereby permits the use of video conferencing for Board and Committee meetings in accordance with New York State Open Meetings Law (“OML”); and

BE IT FURTHER RESOLVED, that a minority number of Trustees may participate in either Board or Committee meetings virtually where the Trustee has a disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the Trustee’s physical attendance at such meeting; and

BE IT FURTHER RESOLVED, that the Board hereby directs LIPA Staff to amend its Guidelines for public participation, posted on LIPA’s website, to ensure that members of the public have continued access to Board and Committee meetings either in person or virtually, consistent with OML and this Resolution.

Dated: May 18, 2022