

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING ON A PROPOSED RESOLUTION AS SET FORTH HEREIN

LEGAL NOTICE IS HEREBY GIVEN that pursuant to Section 56 of the Laws of 2022 of the State of New York the Temporary Commission to Prevent Childhood Drowning (Commission) will hold a public hearing at 90 Church Street, Room 4D, New York, NY 10007 and will stream the hearing by WebEx using a link and credentials to be posted on the Office of Parks, Recreation and Historic Preservation's website (www.parks.ny.gov), on the 28th day of July 2023, at 9:15 a.m., Eastern Daylight Time, to hear all interested parties and citizens regarding the adoption of proposed Resolution No. 1 of 2023, relating to the authorization of members of the Commission to attend meetings by videoconferencing under extraordinary circumstances. You may make a comment/offer testimony in person at the hearing location identified above or by WebEx during the hearing, or you may submit a written comment/testimony by mail to "Temporary Commission to Prevent Childhood Drowning, c/o OPRHP Counsel's Office, 625 Broadway, 2nd Floor, Albany, New York 12238 or by email to counsel@parks.ny.gov with the subject line "Chapter 56 Public Comment." The deadline for receipt of written comments is July 27, 2023. You may obtain further information about this hearing and related procedures – and you may access a copy of the proposed resolution – at [Public Meeting Notices - NYS Parks, Recreation & Historic Preservation](#). You may also request that a copy of the proposed resolution be mailed or emailed to you by calling (518) 486-2921 or emailing counsel@parks.ny.gov.

Commission to Prevent Childhood Drowning
Public Hearing regarding Chapter 56 of the Laws of 2022
Additional Information and Procedures

The Commission to Prevent Childhood Drowning (Commission) will take public comment/testimony at its hearing regarding proposed Resolution No. 1 of 2023 (attached), permitting members experiencing an extraordinary circumstance to attend Commission meetings remotely as authorized under Chapter 56 of the Laws of 2022 (“Chapter 56”). At the hearing, the Commission shall take comment/testimony using the following methods and according to the following procedures:

Oral comment/testimony, either in person or by signing into the WebEx platform:

Anyone wishing to provide comment/testimony in-person at the hearing location must comply with building security procedures, which may include checking in with building security personnel and providing identification, and sign-in using their name upon arrival. Anyone wishing to provide oral comment/testimony by WebEx at the following link and credentials:

<https://meetny.webex.com/meetny/j.php?MTID=ma7affc392d48d16df37a5a89918e5b9d>

+1-518-549-0500 US (English Menu)

+1-518-549-0059 US (Menú en Español)

Meeting number (access code): 1617 67 8456

The Commission will hear oral comment/testimony on a first-come, first-served basis beginning with in-person attendees and then moving to WebEx attendees. Only one (1) person may speak at a time and may do so only when called. Comment/testimony shall be limited to three (3) minutes per individual. The hearing shall remain open as long as necessary to hear all individuals except that the hearing shall not remain open more than three (3) hours.

Written comment/testimony, either by mail or email:

The deadline for receipt of written comment/testimony is close of business on July 27, 2023. Written submissions may be mailed to “Commission to Prevent Childhood Drowning c/o OPRHP Counsel’s Office, 625 Broadway, Albany, NY, 12238 or emailed to counsel@parks.ny.gov with the subject line “Chapter 56 Public Comment.” Written submissions will not be read aloud during the hearing but will be publicly available.

All submissions, regardless of form, shall be limited to the purpose of the hearing, as defined in the first paragraph above. Proposed Resolution No. 1 of 2023 will be read at the start of the hearing. All comment/testimony should be statements of beliefs, concerns or opinions on the topic rather than interpretative of the submissions of others. The portion of the meeting dedicated to the hearing will not be a meeting of the Commission; Commission members will not engage in discussion during the hearing and will not answer questions or respond to comments.

The hearing will be recorded. The recording and all timely received written comments/testimony will be provided to all Commission members for consideration. The recording and all written comments/testimony timely received will be publicly available on the OPRHP’s website: www.parks.ny.gov/temporary_drowning_commission.

Commission members shall schedule and hold a meeting after the close of the hearing during which members will vote on whether to adopt Resolution No. 1 of 2023.

Resolution No. 1

The New York State Commission to Prevent Childhood Drowning

WHEREAS, Chapter 56 of the Laws of 2022 (“Chapter 56”) amended Section 103 of the Open Meetings Law (“OML”); and

WHEREAS, Chapter 56 added Section 103-a of the OML, permitting the public bodies to authorize its members to attend meetings by videoconferencing under extraordinary circumstances; and

WHEREAS, Section 103-a(2)(a) requires the Commission to Prevent Childhood Drowning to adopt a resolution authorizing the limited use of videoconferencing under such circumstances; and

WHEREAS, Section 103-a(2) allows for hybrid meetings by requiring “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”; and

WHEREAS, Section 103-a(2)(c) requires that members 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 . . . including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting”; and

WHEREAS, in accordance with Section 103-a(2)(d), any members attending by videoconference must 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”; and

WHEREAS, Section 103-a(2)(g) requires that any meeting where a member attends by videoconference be recorded, posted to the Commission’s webpage within five business days, and transcribed upon request; and

WHEREAS, Section 103-a(2)(h) requires that members of the public be permitted to attend and participate, if authorized, in any meeting by videoconference when a member attends by videoconference.

BE IT RESOLVED, that the Commission to Prevent Childhood Drowning authorizes its members who experience an extraordinary circumstance, as described above and further defined by any rules or written procedures later adopted, to attend meetings by videoconference: (i) as long as a quorum of the members attend in-person at one or more locations open to the public; (ii) as long as the member can be seen, heard, and identified while the meeting is being conducted; and (iii) as otherwise permitted under Chapter 56 of the Laws of 2022; and be it further

RESOLVED, that the Commission shall create written procedures further governing its use of videoconferencing by its members in compliance with Chapter 56 of the Laws of 2022.