



KATHY HOCHUL

Governor

TREMAINE WRIGHT

Cannabis Control Board Chair

JESSICA GARCIA

Board Member

REUBEN MCDANIEL, III

Board Member

JEN METZGER

Board Member

ADAM W. PERRY

Board Member

CHRIS ALEXANDER

Executive Director

No. 2022- 40  
November 21, 2022

RESOLUTION IN RELATION TO AUTHORIZING CANNABIS CONTROL BOARD MEMBERS TO ATTEND MEETINGS BY VIDEOCONFERENCE IN PRIVATE LOCATIONS UNDER EXTRAORDINARY CIRCUMSTANCES

WHEREAS, Section 103-a of the Public Officers Law, as enacted by Part WW of Chapter 56 of the Laws of 2022 (“Chapter 56”), permits public bodies such as the Cannabis Control Board (“Board”) to authorize its members to attend meetings by videoconference from locations that are not open to the public (“private locations”) under “extraordinary circumstances”;

WHEREAS, Section 103-a(2)(a) requires the Board to adopt a resolution following a public hearing authorizing the limited use of videoconferencing under extraordinary circumstances;

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”;

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”;

WHEREAS, Section 103-a(2)(d) provides that any member(s) attending by videoconference from a private location must, except during executive session, 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”;

WHEREAS, Section 103-a(2)(g) requires that any meeting where a member attends by videoconference from a private location shall be recorded, posted to the Office of Cannabis Management 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 Board authorizes any member who experiences an extraordinary circumstance, as described above and further defined by any rules or written procedures later adopted, to attend meetings by videoconference subject to the following conditions: (i) there is a quorum of Board members present in-person



## Office of Cannabis Management

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at one or more locations open to the public; (ii) the member(s) participating by videoconference can be seen, heard, and identified while the open portion of the meeting is being conducted; and (iii) such appearance by videoconference is otherwise permitted under Chapter 56 of the Laws of 2022; now, therefore, be it

**RESOLVED**, that that the Board hereby approves the written procedures further governing its use of videoconferencing by its members in compliance with Chapter 56 of the Laws of 2022.