

ADVISORY COUNCIL ON AGRICULTURE
NYS Department of Agriculture and Markets
10B Airline Drive, Albany, New York
July 28, 2022, 10:00 AM – 1:00 PM

Meeting Number:

518-549-0500

Meeting access code:

161 834 3887

Webex Meeting Link:

<https://meetny.webex.com/meetny/j.php?MTID=m2b38c12b61269a2f8ae59ce73865f9ce>

AGENDA

Call to Order & Opening Remarks – Commissioner Richard Ball

Review and Approval of December 4th Minutes

Items for Discussion and Council Input

****Please take note that the ACA intends to discuss, deliberate, and vote by resolution on the definition of “extraordinary circumstance” in compliance with Open Meeting Law section 103-a. Public comment will be taken prior to the vote.*

- *Provision 103-a/ Open Meetings Law – Katie Howard*
- *Public Comment Period Resolution 01- 2022 OML “Extraordinary Circumstance”*
- *Discussion/Approval of Resolution 01-2022 OML “Extraordinary Circumstance”*
- *Animal Disease Update (HPAI, EHV-1, B Canis detections/ Captive Cervid rulemaking, other) - Dr. Joy Bennett*
- *Farmland Protection and Urban Agriculture – Dave Behm*
- *Farmland Protection Working Group (renewable energy) – Mike Latham*

Department Updates

- *Budget Update – Agricultural Industry Tax Credits/ Wetlands/ Climate – Geoff Palmer*
- *Legislative Update (Birds/Bees, companion animal, other...) – Geoff Palmer*
- *Agriculture Protection Program Updates – Jason Mulford*

Other Business

Closing Remarks and Adjourn

NYS Agricultural Council on Agriculture

Resolution No. 22-01

WHEREAS, by passing Chapter 56 of the Laws of 2022 (“Chapter 56”), the New York State Legislature amended Section 103 of the Open Meetings Law; and

WHEREAS, Chapter 56 adds Section 103-a of the Open Meetings Law, permitting the New York State Advisory Council on Agriculture to authorize its members to attend meetings by videoconferencing under extraordinary circumstances; and

WHEREAS, Section 103-a(2)(a) requires the New York State Advisory Council on Agriculture to adopt a resolution following a public hearing 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, excerpt 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”; and

WHEREAS, Section 103-a(2)(g) requires that any meeting where a member attends by videoconference be recorded, posted to the New York State Advisory Council on Agriculture 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 New York State Advisory Council on Agriculture 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 open portion of 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 New York State Advisory Council on Agriculture shall create written procedures further governing its use of videoconferencing by its members in compliance with Chapter 56 of the Laws of 2022.