



PLANNER’S MEMORANDUM: A GUIDE TO REMOTELY CONDUCTING PUBLIC HEARINGS AND MEETINGS

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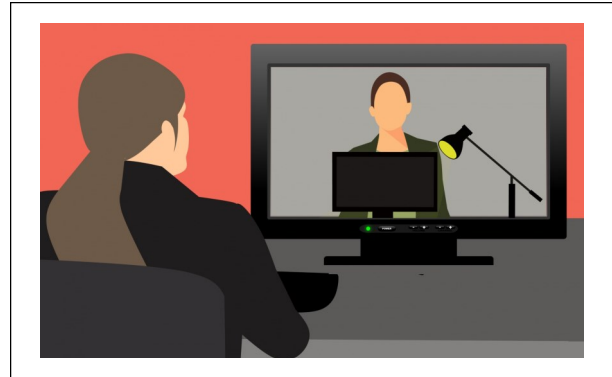
INTRODUCTION

As a result of the restrictions on group meetings, communities will have to adapt alternate means to continue their functions. Fortunately, NYS Government has paved the way to make virtual public hearings and meetings possible.

Local planning and zoning board members should know that the Governor in Executive Order No. 202.1 has relaxed the Open Meetings Law to allow meetings of public bodies to be held remotely by conference call or similar services since in-person meetings have been disallowed. The Executive Order provides the following:

“Suspension of law allowing the attendance of meetings telephonically or other similar service:

Article 7 of the 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 public in-person



Video Meeting

access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed;”.

Put simply, public meetings can be held remotely, whether online or via conference call as long as:

- 1) The public can view or listen to the proceedings;
- 2) The meeting is both recorded and later transcribed.

It should be noted that the “later transcribed” is imprecise. As such, this can be accomplished in as timely a fashion as your local board’s resources allow. Please note the transcription does not have to be prepared by a stenographer or professional transcriptionist. It should also be noted that the need for a transcription does not replace the normal two-week requirement for providing meeting minutes.

This memo provides several options to make transcription occur more seamlessly.

PUBLIC HEARING SCHEDULING RECOMMENDATION

The New York Economic Development Council (NYEDC) has issued the following sample language for scheduling of a public hearing:

“Because of the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo’s Executive Order 220.1 issued on March 12, 2020 suspending the Open Meetings Law, the [Name of Board] (the “Agency”) [Board] [Committee] Meeting scheduled for _____, 2020 will be held electronically via [conference call] [webinar] instead of a public meeting open for the public to attend in person. Members of the public may [listen to] or [view] the [Board] [Committee] meeting by [insert instructions to dial into the conference call or log into the webinar]. Minutes of the [Board] [Committee] Meeting will transcribed and posted on the [Agency’s] website.” [Attach Agenda here.] You may also wish to provide a comment deadline.

USING ZOOM TO HOST AN ONLINE PUBLIC HEARING OR PUBLIC MEETING

There are a broad array of online tools available to municipalities for hosting online public meetings and hearings in accordance with the Executive Order, but, in the interest of providing the greatest level of support and detail this Memo is focusing on providing recommendations and best practices for using Zoom and applications that integrate with it. Please note that you will need a **Zoom Pro account with the webinar add-on at minimum**. While this plan is more expensive than the normal Zoom Pro plan, it is the only option that solves security concerns while at the same time also complies with Open Meetings Law. Before we dive into detailed setup recommendations, we'll explain our reasoning.

Security and Meeting Flow –The webinar functionality divides users into three groups:

- The host who runs the meetings,
- Panelists who for our purposes would be board members, staff members, and applicants. Panelists are full participants in the meeting. They can view and send video, screen share, annotate, etc, but the host retains, as with the basic and pro plans, the ability to limit all of that functionality at their discretion and to grant access at the appropriate times during the meeting. Panelists are separately emailed a special invite to the meeting.
- Attendees, or the general public, for the purposes of public meetings and hearings. Attendees are view-only participants who can be unmuted if the host chooses and will not be able to share video or share their own screen.

The basic and pro plan would result in board members, etc. being included in the same attendance grouping as general members of the public. By being on the panel and separately accessible to the meeting host on-screen, it is more conducive to conducting a meeting and allows the meeting to flow much as it would as if it were held in-person.

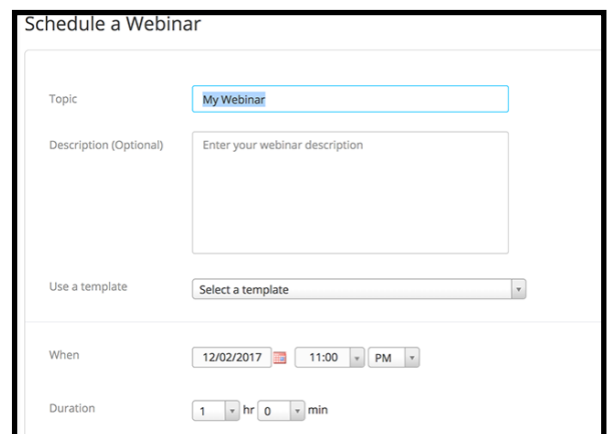
Open Meetings – On the virtue of having the attendees setting it makes the process of hosting a public meeting or hearing simple as it precludes the need for members of the public to be required to pre-register and only the phone number and/or the link to the meeting need be shared for attendance to occur. Contrary to this, the use of the basic and pro plans can only achieve a greater ability to avoid zoom bombing or avoid other disruptions by requiring pre-registration or by requiring all attendees to have their own zoom accounts. Such a step may run afoul of Open Meetings Law particularly for those persons unable to connect to the event over the Internet and would be unable or a more difficult time obtaining a Zoom account.

RECOMMENDED PRE-MEETING SETTINGS

Before hosting your public meetings it is particularly important to set specific meeting settings to ensure proper security controls. This also allows the host to become familiar with the controls to ensure the meeting goes smoothly for all. Assuming you've already signed up for your Zoom account you are now ready to proceed with the following recommendations. If not mentioned below, leave them as "disabled" or unchecked:

Go to the Webinars tab on the left-hand side of the page and then select "Schedule a Webinar" and fill out the following:

- **Topic** - Name of Webinar
- **Description** - Optional details
- **When**— Date and Time
- **Duration** - Recommend setting more than you may need.
- **Host Video**: Can be enabled or disabled at your discretion. Host still has option to turn on if set to disabled on join.
- **Panelist Video**: If disabled, panelists will not be able to turn it on on their own unless the host changes this setting.
- **Audio Options**: Select Telephone and Computer Both
- **Q&A** —Do not check. If checked it will be enabled for the entirety of the meeting. We have other options for public comment input.
- **Record Webinar Automatically** - Record to cloud.
- Then click schedule.



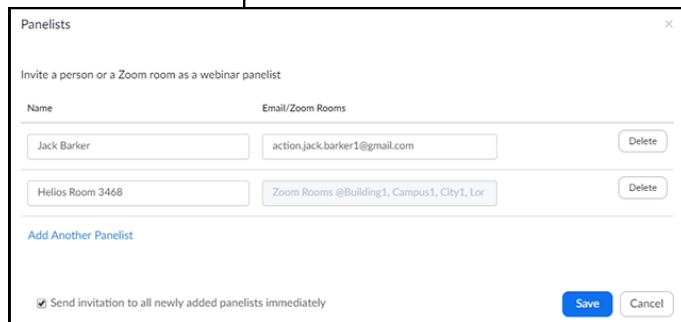
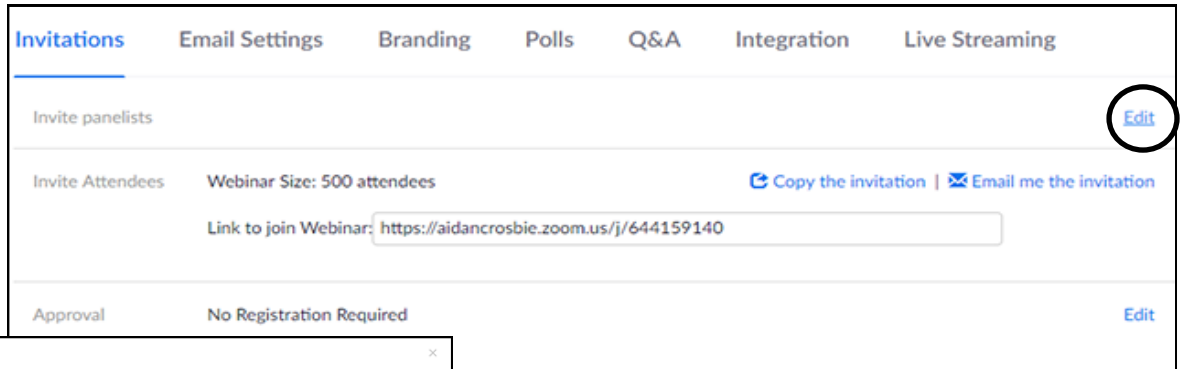
The screenshot shows the 'Schedule a Webinar' interface. It features a 'Topic' field with 'My Webinar' entered. Below it is a 'Description (Optional)' text area with the placeholder 'Enter your webinar description'. There is a 'Use a template' dropdown menu set to 'Select a template'. The 'When' section shows the date '12/02/2017' and time '11:00 PM'. The 'Duration' section is set to '1 hr' and '0 min'.

INVITING PANELISTS AND ATTENDEES

Inviting Panelists

Go back to your webinars main and screen, click on the webinar you want to add panelists to and hit the “edit” button on the invitations menu.

After hitting the edit menu you’ll see the screen below and you’ll be able to use the functionality right within Zoom to



invite each panelist. We again recommend limiting this to staff and board members and it may also be the best way to invite applicants appearing before the board. You can always remove and add applicants from the panelist list once in the meeting. Be sure to click “save” when done.

Pre-Meeting Invitations and Website Setup

Since you are not requiring registration or a Zoom account to attend your public meeting or hearing by using the webinar functionality, all you will need to do is share the link as shown in the above example and provide the call-in number (which you will find in the “Copy the invitation” link if you click it). Given that information, we recommend the following notification procedures:

- Publish your public meeting notice to your communities’ website as well as your normal newspaper requirements, as well as any social media feeds you may have.
- Zoom will give you a link that you can copy to your website for members of the public to register for the public meeting.
- NY Public Officers 103.2(e) continues to require:

“...If the agency in which a public body function maintains a regularly and routinely updated website and utilizes a high-speed internet connection, such records shall be posted on the website to the extent practicable as determined by the agency or the department, before the meeting.”

Given the limited ability of members of the public to obtain physical documents during the pandemic crisis, it is even more important that this requirement of State Law be met.

Running Your Meeting Using Zoom

From here on in we will be discussing recommendations and tips for hosting your live meeting. We have moved on from the preparation stage to the main event. The first and perhaps most important recommendation we can make is that of assigning staff to be a **Meeting Facilitator**.

The Role of the Meeting Facilitator: In addition to having your chairperson run the meeting using their standard procedures/Robert’s Rules of Order, we recommend having a separate dedicated person host and monitor the Zoom meeting. Ideally, this person’s role is primarily a monitoring role, though they may also be involved in recording the meeting, roll call, organizing the order of public comment, and muting

and unmuting participants as they are recognized by the chairperson. It is also possible, as staff, they may be making a presentation as we do with the Ulster County Planning Board as the Meeting Facilitator has control over screen sharing too.

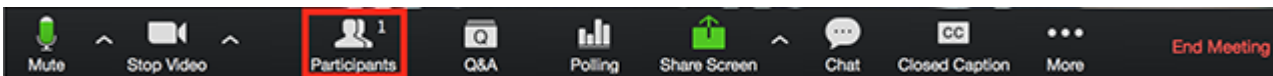
You may assign a co-host. The functionality allows the host to share hosting privileges with another user, allows the co-host to manage the administrative side of the meeting, such as managing participants or starting/stopping the recording. Only the host/meeting facilitator can assign a co-host. There is no limitation on the number of co-hosts can be assigned to a meeting.

Pre-meeting: Your first meeting should not be the first time a board member utilizes Zoom. Please make sure you hold a practice session or two, without having a quorum present, so members can acclimate themselves to the functionality of Zoom.

Start/Join Time – We recommend setting the join time of your Zoom session to be at least fifteen minutes before the actual meeting start time to allow for board members to arrive and remedy any potential connectivity issues.

The entirety of the functionality for in-meeting Zoom webinar controls can be found at <https://support.zoom.us/hc/en-us/articles/115004834466-Managing-Participants-in-Webinar>. We will focus on a few key options below that you will want to address as soon as you join the meeting preferably prior to the official start-time.

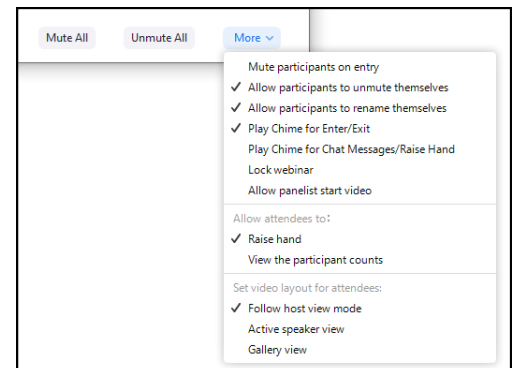
Muting – Since this is a Webinar all attendees are automatically muted to start. Panelists are not, but it is recommended once the meeting officially begins to mute everyone except the meeting facilitator, hosts, co-hosts and the chairperson. This and much of the functionality is handled from the “participants” menu on the toolbar as shown below:



From there (shown on the right) you can click on participants and attendees for two separate sub-menus. We recommend that only the following functions be checked:

- Allow participants to rename themselves
- Play chime for chat message/raise hand
- Keep the attendees “raise hand” functionality unchecked unless you are in the public comment portion of your meeting. You can toggle it on and off as needed.
- Follow host video mode

From there, the “Raise Hand” functionality will need to be utilized for board members/panelists throughout the meeting and members of the public during scheduled public comment portions of the meeting. There is the ability to unmute all and mute all, but it is recommended to allow only a few to be unmuted at any one time to keep proper meeting decorum.



Streaming

We will discuss how to set this up later in this memorandum, but for now all that needs to be noted is that the meeting facilitator will need to turn on the live stream, after they have joined the meeting, just before the official start time thusly:

- Click “More” on the Webinar Controls.
- Click “Live on YouTube”
- Log in to your YouTube account (recommended you do so prior to the meeting if possible).

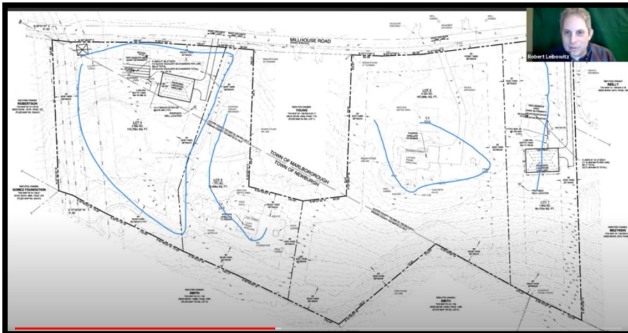
Raising Your Hand

To raise your hand, whether you are a board member or a member of the public, the functionality is the same: click the “participant” button on toolbar or on your smartphone application. This will, for web users, open a column on the right-hand side that will give you access to the non-verbal features including “raise hand.” There is also, a “yes” and “no” functionality here that can be considered to assist in recording votes. It is recommended that voting be by roll call to ensure there are no mistakes and all voters are properly identified. Keep in mind that “attendees” will not be able to raise their hand until the functionality is enabled in the public comment portion of the meeting.



Tracking who has raised their hand, as well as the order hands were raised, should be the responsibility of the meeting facilitator. They can then bring this information to the attention of the chair to be recognized in turn. Once recognized, the meeting facilitator can through the “manage participants” pane, which should be open at all times, manually lower the raised hand until they are recognized to speak again. This helps to avoid any situations that result in participants talking over each other as does individual mute/unmute of those wishing to speak.

Staff/Applicant Participation and Screen Sharing



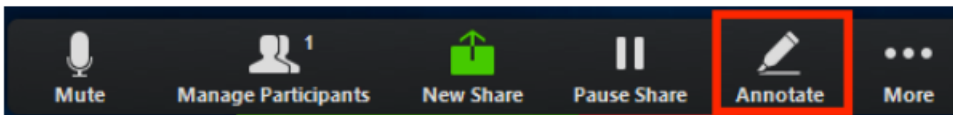
The visibility of presentations and project files to all participants is a significant advantage of virtual meetings. This visibility is found in the screen sharing function of Zoom. Staff (one of who could serve as meeting facilitator) and applicants can participate in a Zoom Pro account just like other invitees. Each can be unmuted during presentation and the meeting facilitator may give permission for them to share their own screen by clicking the Screen Share button. Once screen sharing is enabled it provides the ability to perform annotations.

Applicants can either be invited as panel members and then converted to attendees once their turn to discuss their plans has concluded. Alternatively they could join the meeting as “attendees” and be added as a panel member when their application comes up on the agenda. The former may be easier than having to identify the exact applicant

from the list of attendees later in the meeting.

Annotations

Performing annotations during a meeting should be limited to the presenter or staff to the board. These tools are quite powerful, acting as fingers or laser pointers illuminating areas of project plans and focusing the attention of board members. You will need to monitor this function to avoid unwanted scribbling. Tap the pencil icon to hide **annotation** tools, then tap More in the screen share controls for



these **annotation** settings: Allow/
Disable participants **annotation** does exactly that. It is best to limit annotation to those that are most familiar with the project and allow the chair or staff to direct the flow of

annotation. Annotations can be quickly erased. More important annotations can be captured using Zoom screen captures.

For more on the functionality of annotations in sharing your screen in Zoom go to: <https://support.Zoom.us/hc/en-us/articles/115005706806-Using-annotation-tools-on-a-shared-screen-or-whiteboard>

Handling Executive Sessions

There may come a time when a board wishes to enter “executive session.” This is the one advantage a normal zoom meeting has over the webinar version of this tool by allowing for breakout rooms whereby board members and appropriate staff can be moved into a separate sub-meeting before rejoining the main meeting later. Since Zoom Webinars, at this time, does not offer this functionality, we recommend that after making the vote to go into executive session that:

1. All hosts, co-hosts, panelists be muted so as to remain in the Webinar without closing it out and to avoid being overheard while in executive session.
2. A pre-determined conference call number be used for executive session.
3. Remember that minutes of the executive session will still need to be kept.

TRANSCRIPTIONS AND MEETING MINUTES

If you have recording enabled, you will be automatically saving video and audio of your meeting to the cloud. By selecting the cloud storage option, which is the default for Pro users, you will have the ability to transcribe your meeting using third-party services. We recommend <http://www.Otter.ai>. It is simple to set up particularly if you use the same email address for both Zoom and Otter.ai. Otter is free for up to 600 minutes/month. To link your Zoom account to otter.ai follow steps for “Sync Zoom Recordings”:

- In the web app, click the round account button at the top-right corner of your screen.
- Click “Settings” in the pull-down menu.
- Scroll down to select “Connected apps” and then click the blue “Connect your Zoom account” button.

- You will be directed to the Zoom login page. Sign in using your Zoom account information.
- Click “Allow” to grant Otter access to your Zoom cloud recordings.
- Otter will automatically sync any new cloud recordings from your Zoom account and turn them into conversations in your Otter account.

You can alternatively also download the Zoom recording after the meeting and upload it through otter.ai to generate a transcript.

Remember: It is worth noting again that the transcript does not have to be prepared by a stenographer or professional transcriptionist. It should also be noted that the need for a transcription does not replace the normal two-week requirement for providing meeting minutes.

STREAMING YOUR MEETING USING ZOOM AND YOUTUBE

As mentioned in the pre-meetings settings above, we recommend the use of YouTube to stream or live stream your public meetings. However, it is purely optional unless you believe you may go beyond the 100-person maximum person in attendance. Alternatively, you can load your meeting to YouTube after your meeting. In either case you will require a YouTube account for your Board. It should also be noted that YouTube creates a closed captioning of the video after it has loaded and it is possible to download and edit that file after the fact, but can be time consuming given the number of errors found in that transcription. Otter.ai, as mentioned above, remains the recommended option.

If you wish to livestream your meeting instead, follow along below:

Enable YouTube Live Streaming for Webinars

1. Go to **Account Management > Webinar Settings**.
2. Click **Edit** to the right of **In Webinar Settings**.
3. Enable **Allow hosts to live stream to Webinar Settings**. Only select the “Allow Hosts” toggle and the “YouTube” toggle.
4. Click **Save**.

Zoom support provides step-by-step instructions for initiating a Zoom meeting over YouTube. These can be found on the link following link:

https://support.zoom.us/hc/en-us/articles/360028478292-Streaming-a-Meeting-or-Webinar-on-YouTube-Live#h_5b4dcbbe-8930-4a8f-8e29-d1bf054022cb

It will be the responsibility of the meeting facilitator to turn on live streaming from inside the event, once it is active, so it is important to be logged into and signed up for a Zoom account as well as your YouTube account prior to the meeting.

A YouTube account or “channel” can be created from any existing YouTube account by “Creating a New Channel” through this link: https://www.youtube.com/channel_switcher and by follow the prompts. You will also need to enable your YouTube account for live streaming (a one time process that will enable live streaming from then on) at least twenty-fours in advance of your first live event by going to your status and features page <https://www.youtube.com/features?nv=1> which should also be enabled for videos longer than 15 minutes.

RECOMMENDATIONS FOR PUBLIC PARTICIPATION AND COMMENTS

The best practice for allowing public participation is to have members of the public attend the webinar via the link to the meeting over the Internet where they will be able to see any presentations or plans, listen to the Board and applicants, and be able to interact without a time delay during the public comment session. Attending via the smartphone app or over a regular landlines are also both options included in the webinar creation process that can be shared online.

A Note for Phone-Only Users

For phone users, the functionality does not appear on the screen but they can still “raise their hand” and be recognized to speak whether they’re a member of their board or a member of the public by **hitting “*9” on their keypad**. As mentioned, in accordance with the law, all plans should be provided online for members of the public to download and we further recommend that, if possible, PDF versions of any presentations made available to phone users in advance of the meeting too.

Commenting Via YouTube

There is also the option to allow for comments from YouTube, keeping in mind there is about a 20-second delay from the actual Zoom meeting to YouTube. It will be necessary to have someone monitoring the live stream for typed comments and have that responsible party report them into the public comment portion of the agenda.

Email or Postal Comments

Finally, the announcement and Board website should provide mailing and email address where comments can be sent in advance of the meeting to read during the public comment portion of the agenda. In addition, boards may wish to allow comments into the record after Zoom meeting with a set deadline.

WRAPPING UP

We hope this guide has been an informative starting point for hosting your own public meetings and hearings online. Readers should keep in mind that the services available are constantly in process of upgrading their functionality, particularly with respect to privacy. Your meeting facilitators will need to keep abreast of any changes they provide.

If you need further assistance or clarifications or would like to run a tutorial through Zoom itself, please do not hesitate to reach out to us by calling our main line at 845-340-3340.