

STATE OF NEW YORK

9988--A

IN ASSEMBLY

May 1, 2024

Introduced by M. of A. OTIS -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, the general city law, the town law and the village law, in relation to expanding training requirements for municipalities in relation to compliance with the open meetings law

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (d) of subdivision 2 of section 239-c of the
2 general municipal law, as amended by chapter 662 of the laws of 2006, is
3 amended to read as follows:

4 (d) Training and attendance requirements. (i) Each member of a county
5 planning board shall complete, at a minimum, [~~four~~] five hours of train-
6 ing each year designed to enable such members to more effectively carry
7 out their duties. Training received by a member in excess of [~~four~~] five
8 hours in any one year may be carried over by the member into succeeding
9 years in order to meet the requirements of this paragraph. Such training
10 shall be approved by the county and may include, but not be limited to,
11 training provided by a regional or county planning office or commission,
12 county planning federation, state agency, statewide municipal associ-
13 ation, college or other similar entity, provided that at least one hour
14 of such training is provided by the committee on open government or
15 another appropriate entity in relation to compliance with the open meet-
16 ings law. Training may be provided in a variety of formats, including
17 but not limited to, electronic media, video, distance learning and
18 traditional classroom training.

19 (ii) To be eligible for reappointment to such board, such member shall
20 have completed the training promoted by the county pursuant to this
21 paragraph.

22 (iii) The training required by this paragraph may be waived or modi-
23 fied by the county when, in the judgment of the governing board, it is
24 in the best interest of the county to do so provided that such county

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[~~-~~] is old law to be omitted.

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1 shall provide public notice, including a justification, of their deci-
2 sion to waive or modify training requirements.

3 (iv) No decision of a county planning board shall be voided or
4 declared invalid because of a failure to comply with this paragraph.

5 § 2. Subdivision 7-a of section 27 of the general city law, as added
6 by chapter 662 of the laws of 2006, is amended to read as follows:

7 7-a. Training and attendance requirements. a. Each member of the plan-
8 ning board of a city, except a city having a population of more than one
9 million, shall complete, at a minimum, [~~four~~] five hours of training
10 each year designed to enable such members to more effectively carry out
11 their duties. Training received by a member in excess of [~~four~~] five
12 hours in any one year may be carried over by the member into succeeding
13 years in order to meet the requirements of this subdivision. Such train-
14 ing shall be approved by the legislative body and may include, but not
15 be limited to, training provided by a municipality, regional or county
16 planning office or commission, county planning federation, state agency,
17 statewide municipal association, college or other similar entity,
18 provided that at least one hour of such training is provided by the
19 committee on open government or another appropriate entity in relation
20 to compliance with the open meetings law. Training may be provided in a
21 variety of formats, including but not limited to, electronic media,
22 video, distance learning and traditional classroom training.

23 b. To be eligible for reappointment to such board, such member shall
24 have completed the training promoted by the city pursuant to this subdi-
25 vision.

26 c. The training required by this subdivision may be waived or modified
27 by resolution of the legislative body of the city when, in the judgment
28 of such legislative body, it is in the best interest of the city to do
29 so, provided that such resolution shall include a justification for the
30 city's decision to waive or modify such training requirements.

31 d. No decision of a planning board shall be voided or declared invalid
32 because of a failure to comply with this subdivision.

33 § 3. Subdivision 7-a of section 81 of the general city law, as added
34 by chapter 662 of the laws of 2006, is amended to read as follows:

35 7-a. Training and attendance requirements. (a) Each member of the
36 board of appeals in a city, except a city having a population of more
37 than one million, shall complete, at a minimum, [~~four~~] five hours of
38 training each year designed to enable such members to more effectively
39 carry out their duties. Training received by a member in excess of
40 [~~four~~] five hours in any one year may be carried over by the member into
41 succeeding years in order to meet the requirements of this subdivision.
42 Such training shall be approved by the legislative body and may include,
43 but not be limited to, training provided by a municipality, regional or
44 county planning office or commission, county planning federation, state
45 agency, statewide municipal association, college or other similar
46 entity, provided that at least one hour of such training is provided by
47 the committee on open government or another appropriate entity in
48 relation to compliance with the open meetings law. Training may be
49 provided in a variety of formats, including but not limited to, elec-
50 tronic media, video, distance learning and traditional classroom train-
51 ing.

52 (b) To be eligible for reappointment to such board, such member shall
53 have completed the training promoted by the city pursuant to this subdi-
54 vision.

55 (c) The training required by this subdivision may be waived or modi-
56 fied by resolution of the legislative body of the city when, in the

1 judgement of such legislative body, it is in the best interest of the
2 city to do so, provided that such resolution shall include a justification for the city's decision to waive or modify such training requirements.

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5 (d) No decision of a board of appeals shall be voided or declared
6 invalid because of a failure to comply with this subdivision.

7 § 4. Subdivision 7-a of section 267 of the town law, as added by chapter 662 of the laws of 2006, is amended to read as follows:

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9 7-a. Training and attendance requirements. (a) Each member of the
10 board of appeals shall complete, at a minimum, ~~four~~ five hours of
11 training each year designed to enable such members to more effectively
12 carry out their duties. Training received by a member in excess of
13 ~~four~~ five hours in any one year may be carried over by the member into
14 succeeding years in order to meet the requirements of this subdivision.
15 Such training shall be approved by the town board and may include, but
16 not be limited to, training provided by a municipality, regional or
17 county planning office or commission, county planning federation, state
18 agency, statewide municipal association, college or other similar
19 entity, provided that at least one hour of such training is provided by the committee on open government or another appropriate entity in relation to compliance with the open meetings law. Training may be
20 provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.
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25 (b) To be eligible for reappointment to such board, such member shall
26 have completed the training promoted by the town pursuant to this subdivision.
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28 (c) The training required by this subdivision may be waived or modified by resolution of the town board when, in the judgment of the town board, it is in the best interest of the town to do so, provided that such resolution shall include a justification for the town's decision to waive or modify such training requirements.

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32 (d) No decision of a zoning board of appeals shall be voided or declared invalid because of a failure to comply with this subdivision.

33 § 5. Subdivision 7-a of section 271 of the town law, as added by chapter 662 of the laws of 2006, is amended to read as follows:

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36 7-a. Training and attendance requirements. a. Each member of the planning board shall complete, at a minimum, ~~four~~ five hours of training
37 each year designed to enable such members to more effectively carry out
38 their duties. Training received by a member in excess of ~~four~~ five
39 hours in any one year may be carried over by the member into succeeding
40 years in order to meet the requirements of this subdivision. Such training shall be approved by the town board and may include, but not be
41 limited to, training provided by a municipality, regional or county
42 planning office or commission, county planning federation, state agency,
43 statewide municipal association, college or other similar entity, provided that at least one hour of such training is provided by the committee on open government or another appropriate entity in relation to compliance with the open meetings law. Training may be provided in a
44 variety of formats, including but not limited to, electronic media,
45 video, distance learning and traditional classroom training.
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52 b. To be eligible for reappointment to such board, such member shall
53 have completed the training promoted by the town pursuant to this subdivision.
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55 c. The training required by this subdivision may be waived or modified
56 by resolution of the town board when, in the judgment of the town board,

1 it is in the best interest of the town to do so, provided that such
2 resolution shall include a justification for the town's decision to
3 waive or modify such training requirements.

4 d. No decision of a planning board shall be voided or declared invalid
5 because of a failure to comply with this subdivision.

6 § 6. Subdivision 7-a of section 7-712 of the village law, as added by
7 chapter 662 of the laws of 2006, is amended to read as follows:

8 7-a. Training and attendance requirements. (a) Each member of the
9 board of appeals shall complete, at a minimum, [~~four~~] five hours of
10 training each year designed to enable such members to more effectively
11 carry out their duties. Training received by a member in excess of
12 [~~four~~] five hours in any one year may be carried over by the member into
13 succeeding years in order to meet the requirements of this subdivision.
14 Such training shall be approved by the board of trustees and may
15 include, but not be limited to, training provided by a municipality,
16 regional or county planning office or commission, county planning feder-
17 ation, state agency, statewide municipal association, college or other
18 similar entity, provided that at least one hour of such training is
19 provided by the committee on open government or another appropriate
20 entity in relation to compliance with the open meetings law. Training
21 may be provided in a variety of formats, including but not limited to,
22 electronic media, video, distance learning and traditional classroom
23 training.

24 (b) To be eligible for reappointment to such board, such member shall
25 have completed the training promoted by the village pursuant to this
26 subdivision.

27 (c) The training required by this subdivision may be waived or modi-
28 fied by resolution of the board of trustees when, in the judgment of the
29 board of trustees, it is in the best interest of the village to do so,
30 provided that such resolution shall include a justification for the
31 village's decision to waive or modify such training requirements.

32 (d) No decision of a board of appeals shall be voided or declared
33 invalid because of a failure to comply with this subdivision.

34 § 7. Subdivision 7-a of section 7-718 of the village law, as added by
35 chapter 662 of the laws of 2006, is amended to read as follows:

36 7-a. Training and attendance requirements. a. Each member of the plan-
37 ning board shall complete, at a minimum, [~~four~~] five hours of training
38 each year designed to enable such members to more effectively carry out
39 their duties. Training received by a member in excess of [~~four~~] five
40 hours in any one year may be carried over by the member into succeeding
41 years in order to meet the requirements of this subdivision. Such train-
42 ing shall be approved by the board of trustees and may include, but not
43 be limited to, training provided by a municipality, regional or county
44 planning office or commission, county planning federation, state agency,
45 statewide municipal association, college or other similar entity,
46 provided that at least one hour of such training is provided by the
47 committee on open government or another appropriate entity in relation
48 to compliance with the open meetings law. Training may be provided in a
49 variety of formats, including but not limited to, electronic media,
50 video, distance learning and traditional classroom training.

51 b. To be eligible for reappointment to such board, such member shall
52 have completed the training promoted by the village pursuant to this
53 subdivision.

54 c. The training required by this subdivision may be waived or modified
55 by resolution of the board of trustees when, in the judgment of the
56 board of trustees, it is in the best interest of the village to do so.

1 provided that such resolution shall include a justification for the
2 village's decision to waive or modify such training requirements.
3 d. No decision of a planning board shall be voided or declared invalid
4 because of a failure to comply with this subdivision.
5 § 8. This act shall take effect on the first of January next succeed-
6 ing the date on which it shall have become a law.