STATE OF NEW YORK

8410--A

Cal. No. 896

IN SENATE

January 29, 2024

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

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

(d) Training and attendance requirements. (i) Each member of a county planning board shall complete, at a minimum, [~~four~~] **five** hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of [~~four~~] **five** hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this paragraph. Such training shall be approved by the county and may include, but not be limited to, training provided by a regional or county planning office or commission, county planning federation, state agency, 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 variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.

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

(iii) The training required by this paragraph may be waived or modified by the county when, in the judgment of the governing board, it is

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

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in the best interest of the county to do so **provided that such county shall provide public notice, including a justification, of their decision to waive or modify training requirements**.

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

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

7-a. Training and attendance requirements. a. Each member of the planning board of a city, except a city having a population of more than one million, shall complete, at a minimum, [~~four~~] **five** hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of [~~four~~] **five** hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this subdivision. Such training shall be approved by the legislative body and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, 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 variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.

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

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

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

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

7-a. Training and attendance requirements. (a) Each member of the board of appeals in a city, except a city having a population of more than one million, shall complete, at a minimum, [~~four~~] **five** hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of [~~four~~] **five** hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this subdivision. Such training shall be approved by the legislative body and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, 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 variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.

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

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

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

§ 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:

7-a. Training and attendance requirements. (a) Each member of the board of appeals shall complete, at a minimum, [**four**] **five** hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of [**four**] **five** hours in any one year may be carried over by the member into succeeding 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 limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, 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 variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.

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

(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**.

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

§ 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:

7-a. Training and attendance requirements. a. Each member of the planning board shall complete, at a minimum, [**four**] **five** hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of [**four**] **five** hours in any one year may be carried over by the member into succeeding 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 limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, 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 variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.

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

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**.

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

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

7-a. Training and attendance requirements. (a) Each member of the board of appeals shall complete, at a minimum, [~~four~~] **five** hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of [~~four~~] **five** hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this subdivision. Such training shall be approved by the board of trustees and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, 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 variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.

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

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

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

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

7-a. Training and attendance requirements. a. Each member of the planning board shall complete, at a minimum, [~~four~~] **five** hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of [~~four~~] **five** hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this subdivision. Such training shall be approved by the board of trustees and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, 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 variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.

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

c. The training required by this subdivision may be waived or modified by resolution of the board of trustees when, in the judgment of the board of trustees, it is in the best interest of the village to do so, **provided that such resolution shall include a justification for the village's decision to waive or modify such training requirements**.

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

§ 8. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.