

# STATE OF NEW YORK

9988

## IN ASSEMBLY

May 1, 2024

Introduced by M. of A. OTIS -- read once and referred to the Committee on Local Governments

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 the county may  
25 not waive required training in relation to compliance with the open  
26 meetings law.

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

LBD14078-04-4

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

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

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

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

24 c. The training required by this subdivision may be waived or modified  
25 by resolution of the legislative body of the city when, in the judgment  
26 of such legislative body, it is in the best interest of the city to do  
27 so, provided that the city may not waive required training in relation  
28 to compliance with the open meetings law.

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

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

33 7-a. Training and attendance requirements. (a) Each member of the  
34 board of appeals in a city, except a city having a population of more  
35 than one million, shall complete, at a minimum, [~~four~~] five hours of  
36 training each year designed to enable such members to more effectively  
37 carry out their duties. Training received by a member in excess of  
38 [~~four~~] five hours in any one year may be carried over by the member into  
39 succeeding years in order to meet the requirements of this subdivision.  
40 Such training shall be approved by the legislative body and may include,  
41 but not be limited to, training provided by a municipality, regional or  
42 county planning office or commission, county planning federation, state  
43 agency, statewide municipal association, college or other similar  
44 entity, provided that at least one hour of such training is provided by  
45 the committee on open government or another appropriate entity in  
46 relation to compliance with the open meetings law. Training may be  
47 provided in a variety of formats, including but not limited to, elec-  
48 tronic media, video, distance learning and traditional classroom train-  
49 ing.

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

53 (c) The training required by this subdivision may be waived or modi-  
54 fied by resolution of the legislative body of the city when, in the  
55 judgement of such legislative body, it is in the best interest of the

1 city to do so, provided that the city may not waive required training in  
2 relation to compliance with the open meetings law.

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

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

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

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

26 (c) The training required by this subdivision may be waived or modi-  
27 fied by resolution of the town board when, in the judgment of the town  
28 board, it is in the best interest of the town to do so, provided that  
29 the town may not waive required training in relation to compliance with  
30 the open meetings law.

31 (d) No decision of a zoning board of appeals shall be voided or  
32 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 chap-  
34 ter 662 of the laws of 2006, is amended to read as follows:

35 7-a. Training and attendance requirements. a. Each member of the plan-  
36 ning 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 train-  
41 ing shall be approved by the town board and may include, but not be  
42 limited to, training provided by a municipality, regional or county  
43 planning office or commission, county planning federation, state agency,  
44 statewide municipal association, college or other similar entity,  
45 provided that at least one hour of such training is provided by the  
46 committee on open government or another appropriate entity in relation  
47 to compliance with the open meetings law. Training may be provided in a  
48 variety of formats, including but not limited to, electronic media,  
49 video, distance learning and traditional classroom training.

50 b. To be eligible for reappointment to such board, such member shall  
51 have completed the training promoted by the town pursuant to this subdi-  
52 vision.

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

1 may not waive required training in relation to compliance with the open  
2 meetings law.

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 § 6. Subdivision 7-a of section 7-712 of the village law, as added by  
6 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  
8 board of appeals shall complete, at a minimum, [~~four~~] five hours of  
9 training each year designed to enable such members to more effectively  
10 carry out their duties. Training received by a member in excess of  
11 [~~four~~] five hours in any one year may be carried over by the member into  
12 succeeding years in order to meet the requirements of this subdivision.  
13 Such training shall be approved by the board of trustees and may  
14 include, but not be limited to, training provided by a municipality,  
15 regional or county planning office or commission, county planning feder-  
16 ation, state agency, statewide municipal association, college or other  
17 similar entity, provided that at least one hour of such training is  
18 provided by the committee on open government or another appropriate  
19 entity in relation to compliance with the open meetings law. Training  
20 may be provided in a variety of formats, including but not limited to,  
21 electronic media, video, distance learning and traditional classroom  
22 training.

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

26 (c) The training required by this subdivision may be waived or modi-  
27 fied by resolution of the board of trustees when, in the judgment of the  
28 board of trustees, it is in the best interest of the village to do so,  
29 provided that the village may not waive required training in relation to  
30 compliance with the open meetings law.

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

33 § 7. Subdivision 7-a of section 7-718 of the village law, as added by  
34 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 plan-  
36 ning 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 train-  
41 ing shall be approved by the board of trustees and may include, but not  
42 be limited to, training provided by a municipality, regional or county  
43 planning office or commission, county planning federation, state agency,  
44 statewide municipal association, college or other similar entity,  
45 provided that at least one hour of such training is provided by the  
46 committee on open government or another appropriate entity in relation  
47 to compliance with the open meetings law. Training may be provided in a  
48 variety of formats, including but not limited to, electronic media,  
49 video, distance learning and traditional classroom training.

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

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

1 provided that the village may not waive required training in relation to  
2 compliance with the open meetings law.

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.