

# 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.

3  
4  
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 chap-  
8 ter 662 of the laws of 2006, is amended to read as follows:

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  
20 the committee on open government or another appropriate entity in  
21 relation to compliance with the open meetings law. Training may be  
22 provided in a variety of formats, including but not limited to, elec-  
23 tronic media, video, distance learning and traditional classroom train-  
24 ing.

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 subdi-  
27 vision.

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

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

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

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

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 subdi-  
54 vision.

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.