

BROOME COUNTY PUBLIC LIBRARY  <b>POLICY &amp; PROCEDURE</b>  <b>MANUAL</b>	SECTION	POLICY #
	EFFECTIVE	PAGE OF
	SOURCE	
	SUPERCEDES	

## Social Media Policy

### Purpose

The purpose of the Broome County Public Library ("BCPL") social media policy is to ensure promotion of library services, resources, and events to the public, and to assure a high standard of library service on social media platforms.

### Definition

For the purposes of this policy, "social media" refers to any online platform open to the public, including but not limited to Facebook, Instagram, YouTube, etc.

### Social Media Usage

Posts, comments, and/or shared content should inform library users about services, resources, programs, events, promote library use, and encourage dialogue between patrons and library representatives. Social media posts, as with all library media releases, should be positive in tone and should reflect the values and viewpoint of the library. Detailed instructions for posts can be found in the BCPL "Code of Conduct".

### Third-party posts

The Broome County Public Library is not responsible for the content of posts made by third parties, including patrons, reviewers, advertisers, etc. Public posts by third parties do not reflect the positions of the library, its employees, or Broome County.

The library reserves the right to delete public posts or comments if they include spam or advertisements; hateful or harassing speech, including but not limited to, speech based upon sex, race, color, national origin, religion, age, disability, or any other protected classifications set forth in the New York State Human Rights Law; obscenity; personal disparagement or defamation.

### Appeal Process

Patrons who have had their content deleted or who been prohibited from participating on a BCPL social media page may submit a formal petition to the Library Director to have the decision reviewed. To do this, the patron must submit a written explanation—via email or traditional mail—as to why their content does not violate the BCPL Social Media Policy.

Email petitions should be sent to: [josias.bartram@broomecounty.us](mailto:josias.bartram@broomecounty.us)

Mailed petitions should be addressed to:

Josias Bartram, Library Director  
 Broome County Public Library  
 185 Court St.  
 Binghamton, NY 13901

Upon receipt, the Library Director will review the appeal and provide a response via email or traditional mail within 10 business days. If necessary, the Library Director may confer with other Broome County staff, including the county attorney's office, before deciding.

# Four County Library System – Service Agreement

To: Four County Library System

From: Board of Trustees – Broome County Public Library

Date: 5/10/2022

RE: EnvisionWare software program

We, the Board of Trustees of the Broome County Public Library agree to participate in the EnvisionWare program for library PC management including printing from PCs and mobile devices, as provided by the Four County Library System under the following terms and conditions:

- The program's length is one year (1/1/2022 to 12/31/2022), the cost is \$2,225 per year.
- The pricing includes the following:
  - o Basic software for (Hosted on Management Console at BCPL)
    - PC Management for up to 70 public PC's/workstations
    - Print Management – from PC's and from mobile devices
    - Mobile Print – web pages for mobile printing submissions
  - o Terms and conditions as stated in the Envisionware End User License Agreement
  - o Hosting of software by 4CLS, which will include administration of central site software
- Approved filtering software and policy files by 4CLS and supported by Envisionware compliant with CIPA regulations is included with this program at no additional charge
- Administration of local settings will be the responsibility of the local library
- This agreement does **not** cover the self-checkout kiosk
- The annual cost for the library is payable in full within 60 days of invoice
- The attached insurance requirements are incorporated herein

Library responsibility: We agree that our library will be responsible for providing suitable local PCs to accommodate software in our library in order to make the software, including possible future upgrades, function properly.

Disclaimer: The Four County Library System, its Board, officers or staff will not be responsible for any damage or disruption of service caused by the installation or routine operation of this software.

---

President – BCPL  
Board of Trustees

---

(date)

---

President – 4CLS  
Board of Trustees

---

(date)

**MEMORANDUM OF UNDERSTANDING BETWEEN**  
**THE BROOME COUNTY PUBLIC LIBRARY AND**  
**BROOME COUNTY ASSIGNED COUNSEL PROGRAM**

THIS MEMORANDUM OF UNDERSTANDING is made by and between the BROOME COUNTY PUBLIC LIBRARY and BROOME COUNTY ASSIGNED COUNSEL PROGRAM,

WHEREAS, the Broome County Public Library, located at 185 Court Street, Binghamton, New York 13901 is owned by the County of Broome; and

WHEREAS, the Broome County Library Trustees (Library) manage the day to day operation of the library pursuant to an agreement between the County of Broome and the Library Board of Trustees dated April 9, 1985; and

WHEREAS, the Broome County Assigned Counsel Program (BCACP) is a Department within the County of Broome, a municipal corporation of the State of New York, currently with offices located at the Edwin L. Crawford County Office Building, 4<sup>th</sup> Floor, Binghamton, New York 13902; and

WHEREAS, BCACP wishes to establish its administrative offices and 18-b panel attorney resource center inside currently unused space within the Broome County Public Library; and

WHEREAS, the Library wishes to make approximately 2,400 square feet of space located in Room/Suite 203 of the Broome County Public Library, formerly housing the Library's administrative offices, available to BCACP for this purpose;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

**TERM**

The term of this Memorandum of Understanding shall be for five (5) years commencing on June 1, 2022 and ending on April 30, 2027, unless sooner terminated by either party upon thirty days written notice of their intention to terminate the arrangement. The BCACP shall have the option to renew this agreement for another five (5) year term upon the same terms and conditions as outlined in this agreement. The option to renew must be exercised in writing thirty (30) days prior to the initial term above is due to expire.

**SCOPE OF SERVICES**

BCACP will utilize a portion of the Broome County Public Library constituting approximately 2,400 square feet of space located in Room/Suite 203 of the Broome County Public Library which formerly housed the Library's administrative offices and as depicted in the diagram attached hereto as Exhibit "A".

BCACP will be responsible for any expenses and scheduling of all upgrades and/or alterations required for its use of the space above including telecommunications,

data/computer systems, electrical, mechanical and/or infrastructure systems. All such work shall be subject to prior approval of the Library Director and shall be subject to approval by the appropriate representative from of the County including the Department of Public Works and be subject to any necessary approval process. The Library shall have the right to direct the removal or reversal of any such improvements, furnishings, supplies or fixtures upon the termination of this agreement.

The space will be cleaned and maintained by the Library's custodial staff. Garbage generated by BCACP will be disposed of by the Library.

#### COMPENSATION

The Library shall be compensated for the use of space and services at the rate of \$30,000 per year. If this agreement is terminated by either party prior to the expiration of a full yearly term, then the compensation shall be prorated on a monthly basis.

#### INSURANCE

Both the Library and BCACP are insured by Broome County, a self-insured entity, and agree that all insurance requirements are deemed satisfied.

IN WITNESS WHEREOF, this Memorandum of Understanding has been executed by the Library and ACP.

#### BROOME COUNTY PUBLIC LIBRARY

By \_\_\_\_\_

JoAnne Hanrahan  
Library Board of Trustees President

Date: \_\_\_\_\_

#### BROOME COUNTY ASSIGNED COUNSEL PROGRAM

By \_\_\_\_\_

Eric H. Gartenman  
BCACP Administrator

Date: \_\_\_\_\_

## NEW YORK STATE COMMITTEE ON OPEN GOVERNMENT

### QUESTIONS AND ANSWERS CHAPTER 56 OF THE LAWS OF 2022

On April 9, 2022, Governor Hochul signed Chapter 56 of the Laws of 2022 relating to the New York State budget for the 2022-2023 state fiscal year. Included in the bill is an amendment to the Open Meetings Law (OML) to make permanent (until July 1, 2024) the expanded use of videoconferencing by public bodies to conduct open meetings, *under extraordinary circumstances*, regardless of a declaration of emergency.

As a threshold matter, it is our understanding that the new law does not change or curtail what has always been required of public bodies complying with the Open Meetings Law. Public bodies should continue to operate now as they did *before* the onset of the pandemic in early 2020 when the “in person” aspects of the Open Meetings Law were first suspended. In other words, we believe that if a public body was permitted to do it before the pandemic, this law does not change that. As noted above, we understand that this law expands, in extraordinary circumstances only, the ability of public bodies to meet using remote access technology.

Below we have identified areas of the law that may require clarification.

**Q. Are public bodies required to comply with the new videoconferencing requirements right away?**

A. No. For sixty days after the effective date of Chapter 56 (April 9, 2022; accordingly through June 8, 2022), public bodies are authorized to meet and take such action authorized by law without permitting in public-in-person access to meetings and authorize 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. This language closely models the language of Chapter 417 of the Laws of 2021 and [Chapter 1 of the Laws of 2022](#), the requirements of which have been in effect since September 2021.

**Q. What is considered an “extraordinary circumstance” under which a public body may permit a member to participate remotely by videoconference from a location not open to the public?**

A. Each public body that wishes to allow for remote attendance by its members at locations that do not allow for in-person physical attendance by the public is required to adopt a local law (governing bodies of counties, cities, towns and villages), adopt a joint resolution (New York State Senate and Assembly), or adopt a resolution (any other public body) authorizing such remote attendance, and must establish written procedures that set forth what they determine to be “extraordinary circumstances.” The Law includes a non-exhaustive list of examples of such circumstances, “including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.”

**Q. Are there any required steps that a public body or local public body must complete before it can permit its members to participate in an open meeting from a private location, citing “extraordinary circumstances” as described in the new § 103-a of the OML?**

A. Yes. The new Law requires that every public body must conduct a hearing before taking advantage of the “extraordinary circumstances” described therein. The Law provides, among the other listed prerequisites, that a “public body may, in its discretion, use videoconferencing to conduct its meetings pursuant to the requirements of this article . . . where . . . the governing board of a county, city, town or

village has adopted a local law, or a public body has adopted a resolution, or the senate and assembly have adopted a joint resolution, *following a public hearing*, authorizing the use of videoconferencing.” While the required hearing is most likely also a meeting subject to the other requirements of the OML, it is possible that additional legal requirements imposed by different statutes will also apply to any such hearing.

**Q. Are public bodies permitted to conduct its meetings at multiple physical locations from which members of the body may participate if those locations are open to in-person public attendance, regardless of extraordinary circumstances?**

A. Yes. We understand that the amendments to the OML *expand* the authority of a public body to allow its members to participate in a meeting using videoconferencing under limited circumstances when the member’s location is not open to in-person public attendance. Before the onset of the pandemic in 2020, public bodies routinely held proper open meetings by videoconference from multiple physical locations identified in the meeting notice that were open to the public, connected virtually together by videoconference. This remains proper. It is our opinion that the new § 103-a does not limit the existing authority to virtually connect multiple public locations from which members and the public may attend through the use of videoconferencing technology.

**Q. Which members of the public body may count toward a quorum?**

A. Any member who participates at a physical location that is open to in-person attendance by the public (and which location has been included in the meeting notice) may count toward a quorum and may fully participate and vote in the meeting. If there is a quorum of members at a physical location open to the public, the public body may properly convene a meeting; a member who is participating from a remote location that is *not* open to in-person physical attendance by the public may not count toward a quorum of the public body (but may participate and vote if there is a quorum of members at a physical location open to the public).

**Q. Can members of a public body participate remotely in a meeting, for any reason, without convening at least a quorum of members at a physical location (or locations) open to the public?**

A. No. Chapter 56 requires that “a minimum number of members are present to fulfill the public body’s quorum requirement in the same physical location or locations where the public can attend,” and that members of the public body “shall be physically present at any such meeting unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances.”

**Q. Are public bodies *required* to allow their members to participate remotely, under extraordinary circumstances, at locations that do not allow for in-person physical attendance by the public?**

A. No. Chapter 56 states that a public body “may, in its discretion” allow its members to participate remotely, under extraordinary circumstances and so long as there is a quorum of members gathered at a physical location or locations open to the public, at locations that do not allow for in-person physical attendance by the public, subject to rules adopted by a public body following a hearing.

**Q. If a public body allows its members to participate remotely, under extraordinary circumstances, at locations that do not allow for in-person physical attendance by the public, must it afford members of the public the opportunity to view the meeting by videoconference as well?**

A. Yes. If a public body conducts a meeting leveraging § 103-a allowing a member to participate from a private location by videoconference based upon a determination of “extraordinary circumstances,” the public notice for the meeting must inform the public that such videoconferencing will be used and must include directions for how the public can view and/or participate (if participation is permitted) in such meeting.

**Q. If using § 103-a “extraordinary circumstances” videoconferencing to conduct its meeting, must a public body that allows for public comment or public participation by members of the public who attend its meetings in-person allow the same for members who attend remotely?**

A. Yes. If using § 103-a to conduct its meeting, a public body that permits public comment or participation must provide the same opportunity for members of the public to view the meeting and participate, both by remote technology or in person, in real time. It is our opinion that, if a public body is using § 103-a to conduct its meeting, it shall ensure that its videoconferencing technology permits the same public participation or testimony as in person participation or testimony by members of the public.

**Q. Is participation by a member of a public body by teleconferencing (audio only) authorized by Chapter 56?**

A. No. The Law requires that except in the case of executive sessions, a “public body shall ensure that members of the public body can be heard, seen and identified, while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon.” (Note that an executive session may only be properly convened after a successful motion made during an open session, and that but for the requirement to permit the public to attend and view the session, all other requirements of the Law continue to apply to executive sessions.)

**Q. Must the meeting minutes reflect which members of the public body participated remotely?**

A. Yes. The Law requires that “minutes of the meetings involving videoconferencing shall include which, if any, members participated remotely.”

**Q. Are public bodies required to record and/or transcribe open meetings conducted using videoconferencing?**

A. Yes. Section 103-a now requires that “each meeting conducted using [extraordinary circumstances] videoconferencing shall be recorded and such recordings posted or linked on the public website of the public body within five business days following the meeting and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.” This provision does not apply to meetings of public bodies that are not taking advantage of “extraordinary circumstances” videoconferencing such that a member is participating from a non-public location pursuant to the new § 103-a.

**Q. Are public bodies required to record and/or transcribe the executive session portions of meetings conducted using videoconferencing?**

A. No. In our view the obligation to record and transcribe upon request only applies to the open portions of the meeting that the public is entitled to attend.

**Q. What if a local public body does not maintain an official website for purposes of posting the recording of its meetings?**

A. Any local public body electing to utilize the “extraordinary circumstances” videoconferencing described in the Law to conduct its meetings *must* maintain an official website. The law defines “local public body” as any public body limited in its function to an area of less than the entire state, as well as certain entities that are or political subdivisions, public corporations, or municipal corporations.

**Q. Does the Law address the ability of a public body to hold fully remote meetings during a state of emergency?**

A. Yes. The Law states that the “in person” participation requirements of the Law shall not apply during a state disaster emergency declared by the governor pursuant to section twenty-eight of the executive law, or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to section twenty-four of the executive law, if the public body determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in person meeting.