

New York Coalition



For Open Government, Inc.

***Local Governments Struggle with Timely
Posting of Meeting Minutes***

July 9, 2020

New York Coalition For Open Government

About:

The New York Coalition For Open Government is a nonpartisan charitable organization comprised of journalists, activists, attorneys, educators, news media organizations, and other concerned citizens who value open government and freedom of information.

Mission Statement:

Through education and civic engagement, the New York Coalition For Open Government advocates for open, transparent government and defends citizens' right to access information from public institutions at the city, county, and state levels.

Statement of Purpose:

We believe that, if government is of the people, by the people and for the people, then it should also be open *to* the people. Government exists to serve its citizens. Access to public information should be simple. Freedom of Information Laws and the New York Open Meetings Law make access to public records a right.

When government operates openly and honestly, we, the people, can hold our elected officials accountable, fulfilling our duties as an informed citizenry. The New York Coalition For Open Government works to ensure that all people have full access to government records and proceedings on the city, county, and state levels. Such access fosters responsive, accountable government, stimulates civic involvement, and builds trust in government.

The New York Coalition For Open Government

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New York's Open Meetings Law

The Open Meetings Law has been in effect since 1977, and among its requirements are that:

- Meeting documents shall be posted on a local government's website to the extent practicable prior to a meeting.
- To the extent practicable, meetings shall be streamed in real-time on their website;
- and posted on the website for a reasonable amount of time after the meeting.

While the law does not require that meeting minutes be posted most local governments post their minutes online.

The New York Coalition For Open Government believes that it is important for the public to be informed of the actions taken by government officials and we have focused on the posting of meeting minutes as part of this report.

Our Study

The New York Coalition For Open Government reviewed the websites of twenty towns and cities across the state regarding their meetings conducted during the month of June 2020.

This report addresses local governments with a population between 10,000 and 32,000, from across the state as follows:

- Town of Lockport, Town of Orchard Park
Jamestown, Olean
- Geneva, Batavia
- Elmira, City of Ithaca,
- City of Cortland, Auburn
- City of Plattsburgh, Ogdensburg
- City of Amsterdam, Rome
- Saratoga Springs, Rotterdam
- City of Poughkeepsie, City of Kingston
- Glen Cove, Riverhead

Focus of Report

This report focuses on compliance with the Open Meetings Law and whether meeting minutes are posted in a timely fashion. The items reviewed were:

- Are all meeting documents posted online prior to the meeting
- Are meetings being live streamed on the local government's website
- Are meeting videos/audio posted on the website after the meeting
- While not required by the Open Meetings Law are local governments posting meeting minutes online in a timely fashion.

In our opinion meeting minutes are timely if the minutes of the last meeting are posted before the next meeting is held. This can be done, by posting draft minutes or at the very least including the minutes from the prior meeting in the agenda packet for the next meeting.

Grading Criteria

If a local government did all four of the items stated above they received a grade of an A. Three out of the four items rated as a B; two out of four as a C; one out of four a D and zero out of four an F.

A	4/4 items performed
B	3/4 items performed
C	2/4 items performed
D	1/4 items performed
F	0/4 items performed

Grades

A (4/4) (3 out of 20 local governments, 15%)

Geneva (population 12,700)

City of Plattsburgh (19,900)

Rotterdam (29,700)

- Instead of posting their minutes separately Rotterdam includes the

minutes in the next following meeting for adoption at the end of the meeting agenda. It would be helpful for the public to have the minutes posted separate from the meeting agenda.

B (3/4) (11 out of 20 local governments, 55%)

Auburn (26,500)

- Minutes for June 18th and June 25th meeting not posted on Meeting Minutes page as of July 8th. June 18th minutes are included with July 9th meeting agenda.

Batavia (14,400)

- As of July 7th meeting minutes have not been posted since April 27th. Meeting videos are posted on Facebook and YouTube. It would be helpful if the City website directed people to where videos can be seen or provided a link to the Facebook/YouTube page.

Glen Cove (27,000)

- Minutes from the June 23rd meeting have not been posted as of July 8th. Next meeting will occur July 28th. It appears that meeting minutes are not posted before the next meeting as only adopted minutes are posted.

Jamestown (29,300)

- All meeting documents not posted with June 29th agenda

City of Ithaca (31,000)

- Meeting minutes not posted for any Council meetings during 2020.

City of Kingston (22,900)

- The City is currently testing a new agenda/minutes management system. As of July 9th, Council minutes have not been posted since May 5th. Minutes are not separated by year, which is difficult.

Ogdensburg (10,500)

- Meeting minutes for June 22nd have not been posted as of July 9th. Three meetings have occurred since June 22nd.

Town of Orchard Park (29,500)

- Last meeting minutes posted as of July 6th were June 3rd. On July 7th, minutes were posted for meetings that occurred on June 10, June 17.

Minutes for June 24th not posted as of July 9th and a meeting occurred on July 1st.

City of Poughkeepsie (30,400)

- Meeting minutes for 6/15 and 6/29 meetings not posted as of July 8th.

Riverhead (33,500)

- Last meeting minutes posted as of July 7th were from May 5th. Minutes for June 2, and June 16, not posted. On July 8th, Riverhead updated the minutes on their website, but until then were two months behind.

Saratoga Springs (28,000)

- As of July 8th, meeting minutes have not been posted since April 20th. Council typically meets twice per month.

C (2/4) (4 out of 20 local governments, 20%)

City of Amsterdam (17,800)

- All meeting documents are not posted with agenda, only resolutions are posted. Meeting minutes are approved by the Council but not posted online for the public to see. Resolution votes are posted.

City of Cortland (19,200)

- Meeting video/audio not posted on City website, nor is the public directed as to where such videos can be viewed. As of July 7th meeting minutes not posted for June 10th meeting. On July 8th, the minutes for June 10th were posted, which should have occurred on or before the June 16th meeting.

Elmira (29,200)

- Does not appear that meetings are live streamed and recordings of meetings are not posted on website.

Rome (32,200)

- Meeting audio not posted since February 26. Meeting minutes not posted at all.

D (1/4) (1 out of 20 local governments, 5%)

Olean (13,500)

- Meetings not Live streamed on website but are broadcasted live on

cable television. Meeting videos not posted on website or Facebook Page. Resolutions are posted, but other communications and reports are not.

F (0/4) (1 out of 20 local governments 5%)

Town of Lockport (20,000)

- Meeting documents not posted, only a one-page agenda listing meeting topics, meetings are not live streamed on website but are broadcasted live on television, videos not posted on website. As of July 8th, minutes have not been posted since May 6th

Are All Meeting Documents Posted Online Before a Meeting Occurs (80%)

Sixteen out of twenty-one local governments posted their full meeting documents online for the public to see before their meeting. The public should be able to view the complete meeting package (the same packet that legislators have).

The four local governments that did not post all their meeting documents were Amsterdam, Jamestown, Lockport and Olean.

Are Meetings Being Live Streamed (85%)

Seventeen out of twenty local governments were in compliance with the Open Meetings Law requirement to live stream their meetings. The local governments not live streaming their meetings were Elmira, Lockport and Olean.

Are Meeting Videos/Audio Posted Online (75%)

Fifteen out of twenty local governments posted a copy of their meeting audio/video online after the meeting for the public to see. The five local governments that did not post their meeting audio/videos were Cortland, Elmira, Lockport, Olean and Rome.

Are Meeting Minutes Being Posted Timely (30%)

Six out of twenty local governments posted their meeting minutes timely. As stated previously, in our opinion meeting minutes are timely if the minutes of the last meeting are posted before the next meeting is held. This can be done, by posting draft meeting minutes or at the very least including the minutes from the prior meeting in the agenda packet for the next meeting.

Two local governments did not post meeting minutes at all: Amsterdam and Rome.

Twelve local governments were over two weeks to seven months behind in posting meeting minutes: Auburn, Batavia, Cortland, Glencove, Ithaca, Kingston, Lockport, Ogdensburg, Orchard Park, Poughkeepsie, Riverhead and Saratoga Springs.

Conclusion

We hope this report is viewed as fair, constructive criticism aimed at ensuring the Open Meetings Law is followed, especially during an emergency health situation. **Thirty-five percent of the twenty local governments reviewed had at least one violation of the Open Meetings Law.**

The New York State Open Meetings Law should be amended to mandate that meeting minutes must be posted online within two weeks of a meeting occurring. The law currently in New York is that meeting minutes must be made available if requested within two weeks of a meeting.

Vermont requires local governments to post meeting minutes online within five days of a meeting. Virginia requires that minutes be posted online within ten working days.

Without a legal mandate in place, seventy percent of local governments studied are not making information regarding their actions available in a timely manner. It does not make sense in today's electronic age that New York requires live streaming meetings, posting recordings of meetings but does not mandate the posting of meeting minutes. Even without a legal mandate in place, local governments should strive to have draft minutes posted before their next meeting occurs.