

# New York Coalition for Open Government

Thursday April 13, 2023, 6:30 PM

Via Zoom

Email [paulwolf2@gmail.com](mailto:paulwolf2@gmail.com) for the meeting link

Public Comments Are Welcome At Any Time During Our Meetings. Don't Be Shy To Ask A Question Or To Make A Point!

## AGENDA

- 1) Meeting Minutes from March 9, 2023 **PG 3-4**
  
- 2) Treasurer's Report – 70 total paid members (from 29 counties) **PG 5**  
\$5,540.27 as of 3/31/2023
  
- 3) 2023 Calendar **PG 6-8**
  
- 4) NY Press Association Conference - Michelle & Axel gave a presentation regarding the Open Meetings Law & Freedom of Information Law
  
- 5) Open Meetings Law Committee **PG 9-10**
  - A) Working with Cornell students on a report regarding live streaming of meetings, more info to come once the students have completed their work
  - B) Petition for elected officials to sign committing to not discussing public business in secret caucus meetings has been distributed
  - C) Gathering info for report to support amending the Open Meetings Law to mandate that public comments occur at meetings
  - D) Working on a monthly Call to Action to assist members and the public in advocating for open government

6) Freedom of Information Law Committee

**PG 11-12**

- A) Assemblymember Phil Steck has introduced our legislation to make it easier for people to obtain attorney fees if they are successful in an FOIL or Open Meetings Law lawsuit
- B) Assemblymember Amy Paulin has expressed interest in sponsoring a Constitutional Amendment to add a right to open government
- C) Report regarding enforcement reforms completed

7) Public Relations/Education Committee Minutes

**PG 13-14**

- A) Sunshine Week event, March 16<sup>th</sup> went well
- B) Discussed a Litigation policy, which is not completed yet
- C) Annual Meeting, May 17<sup>th</sup>, 7:00 pm
- D) First Zoom social event held, will occur on the 4<sup>th</sup> Thursday of each month at 6:30 pm, for people to connect and get to know each other better

8) Albany, in person meeting, Saturday May 6<sup>th</sup>, 1:00 pm to 3:30 pm. There is a train that leaves Buffalo at 7:39 am and arrives in Albany at 12:36. Train stops in Rochester, Syracuse, Albany etc. and others are welcome to hop on. There is a restaurant an 8 minute cab/uber from the train station, where we can meet. Will take a 4:05 pm train to head home the same day.

9) New Business

10) Next Meetings

Open Meetings Law Committee April 20<sup>th</sup>, at 4:00 pm

Freedom of Information Law Committee April 27<sup>th</sup>, at 1:00 pm

Zoom social, April 27<sup>th</sup> 6:30 pm

Public Relations May 4<sup>th</sup> at 3:00 pm

Coalition Board Meeting May 11<sup>th</sup>, 6:30 pm

Annual Meeting, May 17<sup>th</sup>, 7:00 pm

### **3-09-23 NEW YORK COALITION FOR OPEN GOVERNMENT MEETING MINUTES**

**PRESENT:** Sonia Dusza, Maria Tisby, Steve Lyle, AnnMarie Reeb, Lawrence Vito, Janet Vito, Mario, Robert Godlewski, Linda Clark, Michelle Allen, Ed Schneider, Jane Curtis, Alberta Roman(recorder), Paul Wolf(President).

Commented [a1]:

**MEETING CALLED TO ORDER;** At 6:36 pm, meeting called to order on zoom by President Paul Wolf.

Commented [a2]:

**MEETING MINUTES FROM 02-09-23;** Motion to approve last month meeting minutes made by Maria Tisby and seconded by Michelle Allen. Motion carried.

**TREASURER'S REPORT;** With 88 members(from 28 counties) and 67 currently paid, we have \$4916.15 as of 2/28/23 as reported on page 6 of agenda. Motion to accept Treasurer's report made by Alberta Roman and seconded by Sonia Dusza. Motion carried.

**CALENDAR;** This calendar is included for informational purposes only

**OPEN MEETINGS LAW COMMITTEE;** Chair Michelle Allen reported there was interesting participation from Cornell University students who are working on a policy report regarding the live streaming of meetings. We are looking for signatures on petition from elected officials to NOT discuss public business in private. Per Paul Wolf report we are interested in live streaming meetings, with purpose to determine how many local governments are doing livestreaming and to assist others to do so. AnnMarie has created a database of over a thousand communities. The Caucus gap in OML makes a sham of OML Motion made that the Board is in favor of distributing petition by Maria Tisby and seconded by Michelle Allen. Motion carried.

**FREEDOM OF INFORMATION LAW COMMITTEE;** Chair Maria Tisby reported on minutes of meeting. Legislator Steck has introduced a bill we drafted to make obtaining attorney fees in a FOIL and OML case easier.

Paul sent email to all 212 state legislators encouraging them to sponsor our legislative bill ideas and got no response. The Committee discussed a bill by Senator Tedisco to impose penalties for FOIL violations that did not have a single

Democratic Sponsor (so probably dead on arrival) and was reviewed by Committee. This bill was tabled for further discussion.

**PUBLIC RELATIONS/EDUCATION COMMITTEE;** Co-Chair Michelle Allen reported our Sunshine Week forum is March 16<sup>th</sup> at 11 am on zoom which will highlight parts of the OML and FOIL law. Annual meeting speaker is Mark Mahoney, editor of the Daily Gazette in Schenectady, May 17 at 7:00 pm.

The Committee is continuing to research the idea of fundraising and the development of a litigation policy.

A social zoom meeting is suggested to be held on 4<sup>th</sup> Thursday of each month at 6:30 pm. A motion to hold social monthly as above made by Michelle Allen and seconded by Steve Lyle. Motion carried.

**MEETING IN ALBANY IN PERSON;** May 6<sup>th</sup> is suggested date for a approx. 2 hour meeting and 16 people have expressed interest. Coalition will pay for meal and pay 50% for transportation and motion made re this by Steve Lyle and seconded by Michelle Allen. Motion carried.

**STATE BUDGET LETTER TO LEGISLATORS;** Copy of letter is enclosed in agenda.

**LETTER TO SHERIDAN NY;** Copy of letter re meeting violation is enclosed in agenda

**LETTER TO FRANKLINVILLE NY;** Copy of letter re meeting violation is enclosed in agenda.

**NEW BUSINESS;** None.

Motion to end meeting at 7:23 pm made by Sonia Dusza and seconded by Maria Tisby. Motion carried.

**NEXT MEETINGS;** Open Meeting Law Committee Meeting 3-16-23 4 pm

FOIL Committee Meeting 3-23-23 1 pm

Zoom Social 3-23-23 6:30 pm

Public Relations Committee Meeting 4-6-23 3 pm

Coalition Board Meeting April 13, 6:30 pm.

Zoom Meeting April 13, 2023

NEW YORK COALITION FOR OPEN GOVERNMENT

**Treasurer's Report March 31, 2023**

Paid Members = 70 as of 3/31/2023

Bank Balance - as of February 28, 2023		\$4,916.15
Deposits 3/1/2023-3/30/2023 Direct Online Dues - \$619.12		619.12
Deposits 3/23/2023-3/27/2023 Bank Deposit - \$40.00 (Mail-in Dues)		40.00
Deposits 3/1/2023-3/9/2023 Direct Online Donations - \$150.00		<u>150.00</u>
	Total	\$5,725.27
<u>Expenses:</u>		
3/23/2023 - Ck #164 Michelle Gregory-Allen - \$85.00 (4/6/2023 Conf)		
3/31/2023 - Ck #165 c n evans brewing - Deposit \$100.00 (NYCOG Albany Mtg - 5/6/2023)		<u>- 185.00</u>
	Bank Balance 3/31/2023	\$5,540.27

  
Janet Vito  
Treasurer

J

# New York Coalition for Open Government 2023 Goals

## Internal Goals

- Increase membership (81 as of 12/31/22)
- Start Sharing Our Stories Through Videos
- Increase Facebook followers (579 as of 12/31/22)
- Increase Twitter followers (242 as of 12/31/22)

## Project Goals

- Report On The Need For An Enforcement Entity, Which Will Include Reforming The Committee on Open Government, The Need For Mandated Training and The Need For Mandatory Attorney Fees
- Report Highlighting How Local Governments Are Doing Live Streaming
- Report On Mandating Public Comments
- FOIL report regarding state agency tracking of FOIL requests
- Lawsuit Regarding Posting of Meeting Documents & Minutes
- Sunshine Week Event
- Annual Meeting
- Regional Meetings/Events

### January

Op-Ed regarding open government resolutions for New Year  
January 1, 1977, anniversary of Open Meetings Law  
Plan Sunshine Week Event for March  
Start gathering info Report on the need for an enforcement entity  
Press conference regarding caucus meetings report

### February

Plan Sunshine Week Event for March  
Draft Op-ed for Sunshine Week  
Press Conference regarding need for an enforcement entity  
Plan May Annual Meeting  
Start gathering info for report regarding live streaming of meetings

## **March**

Sunshine Week Op-ed  
Sunshine Week Event (March 12 to 18 Sunshine Week)  
Membership Renewals  
Plan May Annual Meeting  
Continue gathering info for report regarding live streaming of meetings  
Plan regional meeting in Albany

## **April**

Planning for Annual Meeting  
Press Conference regarding Live streaming report  
Start gathering info regarding public comments  
Regional meeting Albany

## **May**

Annual Meeting  
Continue gathering info for report regarding public comments

## **June**

Press conference regarding public comments report  
Start gathering info for FOIL report

## **July**

Op-ed regarding anniversary of Freedom of Information Act  
Continue gathering info for FOIL report

## **August**

Continue gathering info for FOIL report

## **September**

FOIL report press conference  
Sept 1, 1974, anniversary of FOIL  
Sept 15<sup>th</sup>, Democracy Day  
Sept 17<sup>th</sup> Constitution Day, 17-23 Constitution Week

Sept. 28<sup>th</sup> universal access to information day

**October**

October 17<sup>th</sup>, School Board Recognition Week  
Plan upstate regional meeting

**November**

Regional Meeting Upstate

**December**

End of year review, 2024 goals  
Plan Board and Officer elections for 2025



## Open Meeting Law Committee

March 16, 2023, via Zoom

Meeting called to order by the Chair, Michelle at 4:02 pm.

Members present: Michelle, Paul, Annmarie, Linda. Also, Caitlin, Maria and Ken arrived after approval of minutes.

- Minutes approved for February 16, 2023. Motion made by Paul and seconded by Annmarie. All were in favor.
- Cornell and NYCOG zoom overview:
  - Paul provided the highlights and informed this committee that:
    - Another group of students will be coming in for summer and fall so the suggestion was to have multiple reports instead of the one big report for this semester.
    - We should be getting an update from the students in a few weeks and then will determine where to go from there.
- Highlights of Sunshine Week
  - Michelle thought it went very well with no hiccups. It was well received with a lot of engagement and discussion.
  - Caitlin requested a recording. Paul stated there would be one available.
  - Paul said there were 45 registrants, which was a good mix of government people, members, reporters and people from all over, including Alaska and North Carolina. It worked well because of the assistance from Michelle who handled the chat questions and Axel who focused on admitting and readmitting people, which allowed Paul to focus on the speaking and answering of questions.
  - Paul already provided a copy of the zoom meeting to all registered participants.
  - Michelle informed us about the multitude of sunshine week presentations all over the country but specifically David Cuillier, former Board President, NFOIC and presently with the Brechner Center. It was a symposium from Americans for Prosperity on the positivity of fixing the broken system. Addressed ephemeral messaging which is the mobile-to-mobile transmission of multimedia messages that automatically disappear from the recipient's screen after the message has been viewed.
  - Paul informed that the NYS Assembly issued a press release that they passed some minor bills as a package in honor of sunshine week. They were very minor technical bills.

- Pledge for Elected Officials – about not discussing public business in secret caucus meetings.
  - Paul – at last month’s OML committee, stated we passed a motion in favor of a pledge petition to draw attention to these caucus meetings. Asking public officials to sign this petition. As a first step forward for them to commit to not discussing public business in caucus meetings and leaving those caucuses for political discussions. This will be emailed to members next week.
  - Caitlin suggested a monthly packet of “asks” for citizens to approach their board or get their elected official to support our specific monthly topics. (Action of the Month) A discussion ensued with examples of how this could work and on what topics.
  - There was a discussion on communications to Town Boards.
- Report on Mandating Public Comment (Public Comment Project 2023)
  - Paul provided an overview – the Open Meetings Law doesn’t mandate that a local government allow for public comment. Most do, but not all. Buffalo Common Council, Erie Co. Legislator are examples of those not allowing public comment. There are several other states that do allow it. We support mandating it. We need a report as a first step. A discussion covered the particulars of creating this report.

Michelle, Chairperson, closed the meeting at 5:05 pm.

## FOIL Committee Minutes March 23, 2023

Attended by: Paul Wolf, Mike Franklin, Maria Tisby, Michelle Allen, Annmarie Reeb, Cory Morris, Gary Dickson, Sonia Dusza, Mary Lou Kling

Motion to approve February Minutes by Michelle

2nd Ann Marie

Approved.

Updates on enforcement.

Assembly Steck and Senator Liu have introduced a bill to improve getting attorney fees for a FOIL or OML lawsuit. The legislation was drafted by the Coalition.

Legislator Paulin has agreed to sponsor legislation to amend the NY State Constitution by adding an open government right

The NY Attorney General has not responded to emails regarding legislation we drafted to create a mediation program in the AG's office.

Due to conflict of interest by the AG's office on open government matters, Paul believes having independent hearing officers decide FOIL and OML complaints is a better way to go. Such a process would work similar to the hearing process used for property tax assessment hearings. Paul has drafted legislation and will see if we can get a legislator interested.

Assemblymember Zebrowski and Senator Skoufis have introduced a bill called the Integrity in government act. The bill has some good and bad points.

This bill keeps the current structure of the Committee on Open Government

Gives the Committee the power to hear appeals re FOIL & OML

Pays Committee members \$200 per day to do hearings, which is not realistic for current committee members to do. Using current committee members will probably result in a lot of decisions that the public will not like. The Committee will not be able to handle thousands of appeals.

Appeals have to be done by mail, should be able to electronically file.

Committee has 6 months to render a decision, which is a bit long.

Requires holding a hearing regarding an executive session issue within 72 hours, with a decision in 5 days.

It provides the Committee the power to fine agencies & people \$20 to \$1,000. Individuals can be fined for filing frivolous appeals

Determination to not support so no motion approved.

No new business to discuss

Next meeting April 27. 1PM.

Motion to adjourn: Paul 2nd Ann Marie. All in favor

Adjourned 2:03PM

## Public Relations and Education Group meeting held April 6, 2023, via Zoom

Meeting called to order at 3:05 pm by the Chair: Axel

Members in attendance: Axel, Maria, Robyn, and Annmarie. Arrived after approval of minutes – Mary Harris.

1. Minutes approved for March 2, 2023 – Motion by Robyn, seconded by Annmarie. All in favor.
2. Sunshine Week (March 12-18, 2023) Discussion on how it went:
  - a. Members commented on how well it was managed by Axel allowing people into zoom and Michelle was answering questions in the chat so our presenter – Paul, could focus on the presentation and verbal questions; a lot of people participated; this was a taped session and each registrant received a copy of the presentation.
  - b. Axel thought we could improve on the presentation by making it livelier, prettier and appealing. Others agreed with Axel's suggestions.
  - c. Axel and Maria expressed how little people know about OML and FOIL. How important it is to continue to communicate/educate these "bread and butter" foundation issues, even if we know them. Maria gave examples how public officials are not aware of FOIL (procedures) or become upset due to a lack of knowledge. The members had a vigorous discussion and solutions were addressed.
  - d. Annmarie asked about other avenues we could use to reach more people other than via email. A discussion ensued with a few topics being addressed and how these could work, such as:
    - i. Homeowners Associations
    - ii. Newsletters – several suggestions
    - iii. Students – High School and College

Axel pointed out that a newsletter is a good idea and went on to inform of some of the cons. Explained the use of an "unsubscribe" button as well as changes to SPAM policies.

Robyn expressed the pros of using a newsletter and very few cons if any.

Also, a discussion ensued regarding unsolicited audiences.
3. May 17<sup>th</sup>, 2023 Annual Meeting – 7 pm via zoom – thoughts on agenda provided after overview by Axel.
4. Litigation Policy – Discussion on attached draft – members thought it was well written.
  - a. Axel had concern with #9 and was uncertain on what it meant. Annmarie and Robyn attempted to provide an explanation but there was still uncertainty on the second part of the sentence.

- b. Members were okay with asking Paul for an interpretation of #9 and readdressing this at the next meeting for a vote before bringing this to the board.
5. Zoom Social – Review – Members thought this was a nice way to learn about each other. Other members who did not attend have heard about it and is looking forward to attending a future zoom. It was much more relaxed versus taped meetings with procedures. Very worthwhile.
  - a. Axel suggested that once we run out of ideas to talk about try an event night, i.e. cooking, gingerbread house competitions, Easter egg painting, pet day – introduce your pet (Cat Caucus).
6. New Business – NY Press Conference – Axel and Michelle were Presenters
  - a. Axel and Michelle attended the NY Press Conference last weekend and were both presenters at the two-day conference. They spoke for 45 minutes and answered questions for 45 minutes. It went really well. Members asked some questions or provided supportive comments.
7. Next meeting on May 4, 2023 at 3 pm via zoom.
8. Mary Harris introduced herself.
9. Motion by Annmarie, seconded by Robyn; all in favor to adjourn the meeting at 4:09 pm.