

Buffalo Niagara Coalition for Open Government
Thursday April 4, 2019, 6:30 PM

AGENDA

- 1) Open Meeting
 - 2) Meeting Minutes from March 7, 2019
 - 3) Treasurer's Report
 - 4) FOIL Log Report
 - 5) Report Regarding Colleges & Universities
 - 6) Best Practices Sunshine Week Event
 - 7) UB Council
 - 8) Community Action Organization
 - 9) Niagara County Financial Disclosure Forms
 - 10) School District Report
 - 11) New Business
 - 12) Next Meeting May 2, 6:30 p.m.
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Minutes for Buffalo Niagara Coalition for Open Government March 7, 2019

Meeting called to order at 6:36 p.m. by Paul Wolf. Present: Janet Vito, Larry Vito, Nancy Correa, Steve Lyle, Karen Lyle, Joseph Kissel, Mike Kless, Ed McKee, Sonia Dusza, Tom Frank, Jonathen Manes, Paulette Glasgow, Jeffrey Zepowitz.

Meeting Minutes: Mike Kless made a motion to approve the minutes from the February 14, 2019 meeting, seconded by Jonathen Manes. Minutes unanimously approved.

Treasurer's Report: Janet Vito reported our account balance as \$934.17. Ed McKee made a motion to accept the Treasurer's Report seconded by Jonathen Manes. Treasurer's Report unanimously approved.

FOIL Log Report: We are still waiting to hear back from the National Freedom of Information Coalition regarding our submission. The top three selected papers win a financial award.

Report Regarding Colleges & Universities: The report is finished a draft copy was emailed to Board members for their review. None of the schools reviewed received a passing score. The report will be released at a press conference being held at UB on March 11th as part of Sunshine Week.

Best Practices Sunshine Week Event: Five hundred emails were sent to government officials in Erie and Niagara County. 90% ignored and did not respond in any way. The town of Lancaster passed a resolution committing to our best practices. Debbi Bucki in Amherst introduced a resolution with the disclosure form item deleted but she has personally posted her disclosure forms online. Joe Golombek introduced a resolution in the Buffalo Common Council, where they changed the language to state that disclosure forms can be voluntarily posted online. Grand Island passed a resolution, which Paul Wolf has not seen yet. West Seneca and Niagara Falls may be passing resolutions next week.

We will hold a press conference on March 14th or 15th at Williamsville Village Hall to recognize the elected officials willing to support our best practices.

Erie County Legislature/Water Authority: The Coalition issued a press release calling on the Erie County Legislature to delay filling an appointment to the Water Authority Board until an effort was made to get more than two applicants. Paul Wolf emailed the Chair of the Legislature's Committee requesting the opportunity to speak at the Committee meeting. The Committee Chair John Bruso never responded to Paul's email. At the meeting Paul asked Mr. Bruso if he could speak and Mr. Bruso's response was "no". This is a good opportunity to highlight how the Erie County Legislature does not let the public speak at their meetings and that the Open Meetings Law does not mandate public participation at public meetings.

Niagara County Financial Disclosure Forms: Joe Kissel attended and recorded a committee meeting of the Legislature where disclosure forms were discussed. The Committee Chair publicly stated that the Legislature will make their forms subject to foil. They recently met with Robert Freeman regarding this issue. It appears that progress is being made on this issue.

School District Report: Our next report to be done is regarding school districts. As school board elections are in May, we need to get this report out in April. Paul will contact Board members about completing rating sheets.

New Business: Paul has submitted a column to the Buffalo News for Sunshine week regarding the need to amend the Open Meetings Law. Others encouraged sending a similar article to the NY times and Albany Newspaper.

The most recently held UB Council meeting was discussed, where it appears that the Council improperly moved to go into executive session due to a disruption at the meeting. Mike Kless made a motion to send a letter to the UB Council regarding our concerns, motion seconded by Sonia Dusza and unanimously approved.

The recent Community Action Organization meeting held in Buffalo was discussed. At the meeting armed guards prevented the news media and the public from entering the meeting. Mike Kless made a motion that we send a letter expressing our concern regarding this meeting, seconded by Joseph Kissel and unanimously approved.

Members from Lewiston expressed concerns regarding the posting of meeting agendas and documents by the Lewiston Town Board. Paul Wolf will take a look at the Lewiston website and will contact reporter Benjamin Joe regarding this issue.

Adjourn: Meeting was adjourned at 7:26 pm., on a motion by Mike Kless, seconded by Ed McKee. Next meeting will be April 4, 2019, 6:30 pm at the Williamsville Library.

Buffalo Niagara Coalition



for Open Government, Inc.

Advocating for timely access to information & meaningful citizen participation

www.nyopengov.org

April 1, 2019

Jeremy Jacobs
Chairman
UB Council
501 Capen Hall
Buffalo, NY 14260

Re: Open Government Concerns

Dear Mr. Jacobs:

It is unfortunate that we are contacting you once again regarding how UB Council meetings are conducted. As you may recall, we contacted you in November of 2018, with concerns as to how a motion made by UB Student Representative Michael Brown was handled at the October 2018, UB Council meeting. You responded to Mr. Brown's motion requesting that members of the public be allowed to speak by abruptly adjourning the meeting, without asking if there was a second to Mr. Brown's motion.

In viewing the March 4, 2019, UB Council meeting video, it was disappointing to see that when an individual disrupted the meeting by speaking when not allowed, you abruptly made a motion to go into executive session to discuss an "employment matter". Closing a public meeting by moving to an executive session is allowed in very limited circumstances under the New York State Open Meetings Law. Abruptly calling for an executive session because a meeting has been disrupted is not a legally appropriate use of an executive session.

Furthermore, your motion to discuss an "employment matter" in executive session was not done in accordance with the New York State Open Meetings Law. Court decisions and opinions by the New York State Committee on Open Government have made it clear that a motion for executive session must be specific and must provide information regarding the type of the employment matter being discussed. The name of the individual being discussed does not need to be disclosed but the

public should be informed whether the employment matter is regarding the hiring, promotion, termination, discipline or employment history of a particular individual.

At the next UB Council meeting the error made in your executive session motion should be corrected by informing the public as to what type of employment matter was discussed in your March 4, 2019, executive session.

An additional purpose of this letter is to provide you and the members of the UB Council with a copy of a report completed by the Buffalo Niagara Coalition for Open Government, which reviewed the amount of information being made available to the public by ten local colleges and universities. None of the schools we reviewed received a passing grade, including UB.

UB could improve their score by doing the following:

- **Posting meeting agendas and documents online prior to your meetings.** The Open Meetings Law calls for public bodies that have regularly updated websites to post meeting documents online prior to a meeting as best as they can. In the past UB has not done this but it appears that meeting documents were posted online prior to the March 2019 meeting. We hope that posting documents online, will continue for future meetings.
- **Allowing the public to speak at your meetings.** Niagara Community College and Jamestown Community College allow the public to speak at their meetings. The right to be heard is a basic aspect of our democratic society and should be the case especially at institutions of higher learning such as the University at Buffalo. The UB Council should provide at every meeting an opportunity for interested members of the public to speak and be heard.

We hope that our report will be placed on your next meeting agenda, where it can be discussed by the members of the UB Council.

Sincerely,

Paul W. Wolf, Esq.
President
392 Evans Street
Williamsville, New York 14221
(716) 435-4976

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April 2, 2019

WNY State Legislators
WNY Congressional Members

Re: Community Action Organization of WNY Open Meeting Concerns

Dear Elected Representatives:

On Monday March 4, 2019, the Community Action Organization of WNY (CAO), employed armed guards to prevent members of the public and the news media from attending their board meeting. The CAO yearly budget is \$50 million of which 99% consists of public funds, however according to the New York State Committee on Open Government, the CAO is not subject to the New York State Open Meetings Law.

As an organization dedicated to open government issues we were shocked to learn that an agency with a \$50 million yearly budget in public funds is not subject to the Open Meetings Law. We are contacting you as a state and federal elected official to encourage you to introduce legislation to make it clear that any organization funded in whole or in part with public dollars is subject to the Federal Sunshine Act, the New York State Open Meetings Law, the New York State Freedom of Information Law and the federal Freedom of Information Act.

Sincerely,

Paul W. Wolf, Esq.
President
392 Evans Street
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