

New York Coalition for Open Government Meeting Minutes February 11, 2021

Meeting held via Zoom called to order at 6:35 p.m. Present: Paul Wolf, Maria Tisby, Joseph Kissel, Steven Lyle, Suzanne Kelly, Alberta Roman, Richard Bertrand, Robert Godlewski, Mark Jackson, Heather Murray

Meeting Minutes: The meeting minutes from January 14, 2021, were not approved due to a lack of quorum.

Treasurer's Report: Janet Vito provided a written report showing our account balance as of January 31, 2021 being \$1,357.92. We currently have twenty-one paid members.

Niagara County Lawsuit: A day before our Contempt of court motion was to be argued, Niagara County provided the disclosure forms as ordered by the Court. The University at Buffalo Civil Liberties and Transparency Clinic has also submitted an application seeking \$18,000 in attorney fees for their work. Paul has reviewed some of the forms and noticed that reading some of the hand writing is difficult. That by simply Googling some names you can see that not all information like board memberships are being reported. Steve suggested that we all review several forms, which can help with our issuing a report of recommendations for improvement.

School Board Executive Sessions Project: Our report titled "School Boards Across New York State Hold Improper Executive Sessions" was released on Feb. 10th. The report determined that 70% of school boards received a failing grade in how they do executive session motions. 61% of motions are being done incorrectly, which leaves the public in the dark as to what is being discussed. We received press coverage across NY State. Mr. Godlewski talked about his experience with executive sessions as a town board member and school board member in Rotterdam, NY. A big part of the problem is attorneys providing incorrect legal advice on executive session motions.

Niagara Falls Police Reports: The Niagara Reporter and Niagara Gazette reported that Niagara Falls Mayor Robert Restaino implemented a new policy requiring reporters to file a FOIL request to obtain daily police reports. The practice for many years has been for the police dept. to send out a daily email of arrests which included information regarding victims and witnesses. The understanding was that reporters would not disclose victim or witness information in their reports.

The Coalition sent a letter to the Mayor objecting to the new policy. To his credit the Mayor took into consideration our concerns and the concerns of reporters and has instituted a new policy. The police department will continue to send out a daily email bit with the names of victims and witnesses excluded. This practice will protect the names of victims and witnesses. Reporters will not be required to file a FOIL. This is a good change we addresses the concerns of all involved.

Niagara Falls Water Board: The Buffalo News wrote an article which discussed a special meeting held by the Water Board where by a 4-1 vote contracting with a company to obtain candidates for the executive director position was approved. Board member Renee Kimble

objected to the approval on the basis that the contract had not been put out to bid. According to the news article the contractor was recommended by a board member.

Paul researched the Water Board's Procurement Policy, which states that professional services contracts in excess of \$10,000 require the solicitation of proposals from competing firms. No other firms were solicited for this contract of \$24,000. The Coalition wrote a letter to the Water Board expressing our concerns regarding how this contract was done. The Water Board responded that they immediately need a new executive director and on that basis eliminating soliciting other firms is acceptable. Paul disagrees that being in a hurry is an acceptable reason for eliminating the solicitation of proposals from other businesses.

Sunshine Week March 15-21: Every March across the country the news media celebrates the importance of open government. For an event during that week, Paul has reached out to legislator Amy Paulin. At our request Paulin has introduced several bills. Paulin has agreed to doing a press conference with us on March 15th at 10:00 am to draw attention to the bills she has introduced.

Joe, raised the issue of legislation that imposes penalties for violations of the Open Meetings Law. Paul stated that enforcement powers and penalties are an important issue that needs to be addressed but suggested we focus on the current bills pending a build momentum from there.

Village Minutes: Our next project will involve reviewing twenty villages to determine if they are posting meeting minutes. Paul will forward information of websites for people to assist with reviewing.

Cornell Law School First Amendment Clinic: Mark Jackson and Heather Murray two attorneys involved with the clinic spoke. Mr. Jackson gave an overview of the work done by the clinic. Ms. Murray spoke about the clinic's involvement in reviewing a public participation policy drafted by the Batavia School Board. The policy initially attempted to restrict criticism of employees and to approve the topics speakers wanted to address, which was removed at the clinic's request.

The idea of the Coalition and the Clinic working together on future projects was discussed. It appears that our two organizations have many common interests.

Adjourn: The meeting adjourned at 7:33 pm. Next meeting will be March 11th at 6:30 pm, via Zoom.