

New York Coalition for Open Government Meeting Minutes April 15, 2021

Meeting held via Zoom called to order at 6:33 p.m. Present: Paul Wolf, Maria Tisby, Alberta Roman, Janet Vito, Larry Vito, Sonia Dusza, Mary Lou Cebula, Caitlin Curtin, Susan Laurilliard, Joseph Kissell, Sonia Dusza, Cathy Rayhill, Susan Kelly, Dawn Jordan, Virginia Fichera, Christine Reichmuth, Robert Godlewski

Meeting Minutes: The meeting minutes from March 11, 2021, were approved on a motion made by Janet Vito and seconded by Maria Tisby.

Treasurer's Report: Janet Vito provided a written report showing our account balance as of March 31, 2021 being \$1,367.92.

Assemblymember Paulin Bills

A1108/S04704 – requires posting meeting minutes/transcripts, within two weeks of a meeting

A.1228/S01150 - requires (1) meeting documents to be posted online at least 24 hours prior to the public body meeting; (2) meeting must be streamed on public body's website (to the extent practicable); (3) video of meeting must be posted on website within 5 business days of the meeting; and (4) public body must maintain recordings for at least 5 years.

A.4677/S4863 - eliminates the fee agencies charge individuals for obtaining records through a FOIL when an electronic copy already exists.

Paul explained that A1108 has been amended in a way that he does not agree with. The amendment states that instead of posting meeting minutes online a public body can post a video/audio recording of the meeting. Paul does not view posting minutes as that hard of a task and local governments should be able to accomplish posting recordings and minutes.

It is important to have a written record of attendance, motions made, votes. One can easily read a few pages of minutes to learn what happened at a meeting, watching a two hour video or listening to a two hour recording is more difficult.

Next Project Regarding Planning/Zoning Boards: Our next project is to review Planning Boards across New York State. The information gathered is being compiled into a report to be released in May.

Let NY Vote: Susan Lerner from Common Cause asked Paul to do a presentation regarding how the Open Meetings Law applies to County Board of Elections. Paul put together a PowerPoint presentation, which was well received. Let NY Vote is a coalition with many members across NY State focused on improving access to voter registration and voting.

Paul suggested doing a report on County Board of Elections in the future to assist Let NY Vote and encouraged Let NY Vote to support our effort to amend the Open Meetings Law.

Appellate Advocates vs NY State Dept of Corrections, Amicus Brief: Mike Higgins an attorney with the University at Buffalo Law School Civil Liberties and Transparency Clinic spoke. This case involves an important issue regarding being able to FOIL government attorney memos and opinions regarding interpretations of state law and regulations. Appellate Advocates filed a FOIL seeking training information provided to Parole Board members. Information provided to Parole Board members that contained legal interpretations of state law and regulations by their legal counsel was withheld on the basis of attorney client privilege and being inter agency communications.

The New York Coalition For Open Government and Reinvent Albany have signed on to a legal brief being submitted to the Court in support of Appellate Advocates obtaining the information sought through their FOIL request.

New Website: Paul solicited cost proposals from several website companies to get an idea of what it would cost to improve our website. Two companies responded, with one quote being \$5,500 and another being \$2,700. Paul submitted a grant request to the O'Shei Foundation in Buffalo for \$2,700.

New Business:

Caitlin Curtin talked about her interest and the interest of the Columbia County Democratic Committee in amending the Open Meetings Law and in getting elected officials to go beyond the minimal requirements of the law. Caitlin suggested we take a look at the California open government law.

Cathy Rayhill talked about the efforts of the Coalition For Responsible Economic Development For Grand Island (CRED4GI). The organization has filed a FOIL seeking information from Erie County Executive Mark Poloncarz regarding communications had with the developer of a large proposed project in Grand Island. Thus far the FOIL has been ignored. Filing an appeal and a lawsuit may be the next steps.

Joe Kissell brought up having the Coalition submit questionnaires to candidates for office to obtain information regarding their support for open government issues. Paul mentioned doing a report card next year for state legislators regarding their support of open government bills voted on in Albany.

Maria Tisby raised the issue of amending meeting minutes when they incorrectly reflect what was stated during the public comment period of a meeting.

Adjourn: Next meeting will be May 13th at 6:30 pm, via Zoom. Motion to adjourn by Maria Tisby, seconded by Joe Kissell. Meeting adjourned at 8:05 pm.