

NY COALITION FOR OPEN GOVERNMENT MEETING 8-11-22

Present on zoom; Michelle Allen, Janet Vito, Lawrence Vito, Axel Eberman, Mary OMalley -first meeting(Broome Co), Pat Irving, Sue Vichera, Cory Morris, Mary Harris, Maria Tisby, Thomas Maligno-first meeting(Long Island), Cheri Leone-first meeting(NYC), Casey Jones, Caitlin C., Paul Wolf, Alberta Roman-recorder.

Meeting Called to Order by Paul Wolf President at 6:31pm with recording for members review on request. NYCOG has a 12 member Board with monthly meetings. Because of being a non-profit only Board members can make motions and vote. All are invited to share thoughts/ opinions.

Meeting Minutes; Motion to accept 7-14-22 meeting minutes made by Janet Vito and seconded by Michelle Allen. Motion carried without comment.

Treasurer's Report; 72 paid NYCOG members from 24 counties reported with balance of 4,302.24. Motion made to accept Treasurer's report by Alberta R. and seconded by Maria T. Motion carried.

2022 Calendar; On pages 6-7 in agenda sent out to anyone who request.

Email Policy Report Press Conference; 18 counties this time were randomly selected and sent a FOIL request for their email policy. Press Conference was given by Paul W. to release results. Only 61 % properly acknowledgement the FOIL request within 5 business days as required by a law that has been in effect 45 years. 28% made no reply, and some ignored a second request. Some legislators use a private email address. The concern is government officials using private email when FOIL requests come in. Press coverage good and cited.

Open Meeting Law (OML)Committee; Joe Kissel, Chair not present and Paul W. reported that Casey Jones put together report of issues needing to be addressed. Now priorities are being distinguished. Enforcement is number one. The right of public to speak is second priority for law change. Mandating live-streaming of government meetings is another priority for law change in local government. The next discussion was on enforcement policy with NY having no

penalties and other states having some. The result of discussion was committee members favored a tiered approach to violation based on first, second , third violation.

Next report will be on caucus meeting loop hole. When majority group can hold a meeting with the issues hashed out in private caucus good government not possible. Minutes of OML Committee available pages 8&9 in agenda.

Freedom of Information Law (FOIL) Committee; Maria Tisby, Chair, reported minutes made available in agenda. No training required for elected officials to do training on OML/FOIL at present. Motion made to support 4 hour annual OML/FOIL training by Maria T. and seconded by Michelle A. Motion carried.

Governor Hochul recently issued an Executive Order requiring 70 state agencies to prepare a transparency plan as to how they are going to address the Open Meetings Law and Freedom of Information Law. These transparency plans are a good first step but there needs to be additional follow-up to ensure that the plans are being implemented. At the federal level agencies are required to submit an annual report to the Dept. of Justice documenting the number of FOIL requests received, average response time, number of denials and reasons why denied. We need to take a similar approach in NY.

After discussion, motion made to require annual report by State Agencies (70 cited by Gov Hochul in Exec. Order) to Committee on Open Gov by Maria T. and seconded by Pat Irving. Motion carried.

Putting his belief in and statement of “investing in participatory open government” as citizens as a necessity, Cory Morris is making his legal services available to handle FOIL/ OML cases after a filing fee of about \$400.00 is provided.

Public Relations Education Group; Michelle A., Chair reported first meeting. The group recommended three items for Board approval:

- 1) That the Board of Directors adopt the Public Information and Education paper prepared by Casey Jones to serve as the group’s goals and purpose.

Paul Wolf, Caitlin and Janet expressed concerns about the Board adopting the document as it contains a lot of specific recommendations that the Board may not be in support of. Paul suggested that a shorter more general mission statement/purpose be drafted by the Group.

2) The Group recommends that small press releases should be able to go out with the approval of the Group Chair and or Coalition President. Paul Wolf stated that he did not have any objection to undertaking this approach.

3) The Group recommends that the Legislative Priorities recently adopted by the Board be placed on the Coalition's website and that the document be disseminated to the Coalition's media list, Coalition members, good government groups and the State Legislature.

A discussion about distributing our legislative priorities occurred. Some members pointed out the risk if the priorities are distributed generally of a legislator sponsoring items who does not have the clout to get it passed. The reality in Albany is that bills sponsored by the political party not in power will not get passed. Some members expressed that we need to be strategic in getting our legislation sponsored by the right member, instead of just a general distribution of our priorities.

Janet made a motion to table the Group recommendations, motion seconded by Pat and the motion was carried.

The Group did not address the non-partisan policy and the idea of forming regional advisory councils referred by the Board to them and hope to address that at their next meeting.

New Business; The idea of partnering with other good government entities put forth. Paul W. will speak by invitation of Niagara Co. Clerks on OML/FOIL.

Next Meetings; NY COG 9-8-22 6:30 pm, OML 8-18-22 4 pm, FOIL 8-25-22 1pm, Public Relations Education 9-1-22 3pm

End Meeting; Motion to adjourn made by Janet Vito and seconded by Pat Irving. Motion carried. Meeting ended 7:54 pm.