

## **New York Coalition for Open Government Meeting Minutes August 12, 2021**

Meeting held via Zoom called to order at 6:34 p.m. by Paul Wolf. Present: Michelle Allen-Gregory, Caitlin Curtin, Mary Cebula, Lawrence & Janet Vito, Steve Lyle, Maria Tisby, Joe Kissel, Patricia Irving, Casey Jones, Sonia Dusza, Paul Wolf, Alberta Roman- Recorder

**Meeting Minutes:** The meeting minutes from July 8, 2021, were approved on a motion made by Joe Kissel and seconded by Janet Vito.

**Treasurer's Report:** Janet Vito provided a written report showing our account balance as of July 31 2021 being \$3,123.12. We now have 55 paid members. Alberta Roman made a motion to approve the Treasurer's Report seconded by Maria Tisby, motion approved.

### **Albany Legislation**

**A1108/S04704** – requires posting meeting minutes/transcripts, or meeting video within two weeks of a meeting.

The Open Meetings Law does not currently mandate that meeting minutes be posted. A discussion took place regarding the importance of written minutes that are accurate. That many communities do not fully record the public comments made at meetings in their minutes.

**A.1228/S04704** - requires meeting documents to be posted online at least 24 hours prior to the public body meeting.

Both bills passed have been passed by the Legislature and will be sent to the Governor to approve or not before the end of the year. 500 bills are waiting approval by the Governor.

**Onondaga County Leg Use of Private Emails:** Using private email accounts is a bad practice as it makes processing FOIL requests difficult in that messages may not be preserved. Several legislators on their own have moved from a private email account to a county account, which is progress.

**Next Report on County Board of Elections:** We are in the process of gathering information from 20 Board of Elections across the state to determine whether public notice is being provided when election commissioners meet, are agendas and minutes posted.

### **New York Senate Election Hearing Testimony**

Paul Wolf tried to appear virtually at the hearing held in Rochester to submit reform ideas but the hearing was in person only. Written testimony was submitted instead.

### **Olean School District Vacancy**

A letter was sent encouraging the school board to interview and discuss the board vacancy appointment in public. All too often public bodies are interviewing and discussing candidates for an elected office vacancy in private. Opinions by the NY State Committee on Open Government and court decisions have stated an executive session to discuss filling an elected office is not

appropriate. We need to regularly call people out on this issue. Legislator Amy Paulin has expressed interest in introducing legislation on this issue.

### **Niskayuna School Superintendent Search**

A letter was sent encouraging the school district to interview the finalists for the position in public and to involve the public in the interview process. The issue of school superintendent searches comes up often. We should develop best practices to advocate for and to assist districts with utilizing an open process.

### **Niskayuna Police Chief Interviews**

The School Supt and Police Chief positions are often the two most important positions in a community. A letter was sent encouraging interviews to occur in public.

### **Clarence School Board Public Comment**

We sent a letter encouraging the Clarence School Board to have their public comment period occur before Board votes happen and to allow people to speak on agenda and non agenda items.

### **Seneca County Executive Session**

It is a rare event when an elected official questions why there needs to be an executive session. A letter was sent applauding the fact that a Board member in Seneca County questioned why an executive session motion was being made. A great debate and discussion occurred in public.

### **Chautauqua County Verbatim Minutes**

For years the Chatauqua County Legislature has posted verbatim meeting minutes online for committee meetings and full legislature meetings. Verbatim minutes are a great practice that others should follow.

A resolution was filed to eliminate doing verbatim minutes and replace them with meeting videos. We sent an email seeking to continue the practice of verbatim minutes and to post meeting videos. Our efforts were partially successful in that the resolution was amended. Verbatim minutes will continue to be posted for full legislature meetings and doing verbatim minutes will be up to the wishes of committee chairs.

### **Letter to NYS Committee on Open Government**

Our organization along with Reinvent Albany and others sent a joint letter to the NY State Committee on Open Government asking for clarification regarding meeting requirements now that the COVID emergency order has been lifted.

### **National Freedom of Information Coalition Mentorships**

The National Coalition received grant money to pay state organizations for helping to mentor people interested in learning more about FOIL and the Open Meetings Law. We will receive \$100 for each mentee that Paul Wolf meets with for an hour. Should result in our organization receiving \$400.

### **National Freedom of Information Coalition Online Summit**

The Coalition will be holding an online conference from 9/28 to 9/30, at a cost of \$25. People are encouraged to sign up and attend the different seminars being offered.

### **Niagara County FOIL Lawsuit**

We won our FOIL lawsuit against Niagara County last year. The only remaining issue was whether the Court would require the County to pay the attorney fees incurred in bringing the lawsuit. The Court recently denied the request for attorney fees, which is disappointing. Our attorney (University at Buffalo Law School) will be filing an appeal of the court decision.

### **Foundation Grant Request for New Website**

Paul submitted a grant request to the Knight Foundation for \$2,700 for purposes of creating a new website. A response regarding our request has not been received yet. Paul has also submitted a grant request for \$3,000 to allow us to pay for newspaper subscriptions. We are prevented from viewing many news articles online due to subscription fees.

### **New Business**

Caitlin Curtin brought up an open government survey that she has created and shared to learn what organizations in her community are doing and to encourage more transparency.

**Adjourn:** Next meeting will be September 9<sup>th</sup> at 6:30 pm, via Zoom. Motion to adjourn by Maria Tisby, seconded by Sonia Dusza. Meeting adjourned at 8:20 pm.