

New York Coalition



For Open Government, Inc.

***Public Bodies In NY State Should
Livestream Their Meetings***

June 15, 2023

New York Coalition For Open Government

About:

The New York Coalition For Open Government is a nonpartisan non-profit charitable organization comprised of journalists, activists, attorneys, educators, news media organizations, and other concerned citizens who value open government and freedom of information.

Mission Statement:

Through education and civic engagement, the New York Coalition For Open Government advocates for open, transparent government and defends citizens' right to access information from public institutions at the city, county, and state levels.

Statement of Purpose:

We believe that, if government is of the people, by the people and for the people, then it should also be open *to* the people. Government exists to serve its citizens. Access to public information should be simple. Freedom of Information Laws and the New York Open Meetings Law make access to public records a right.

When government operates openly and honestly, we, the people, can hold our elected officials accountable, fulfilling our duties as an informed citizenry. The New York Coalition For Open Government works to ensure that all people have full access to government records and proceedings on the city, county, and state levels. Such access fosters responsive, accountable government, stimulates civic involvement, and builds trust in government.

The New York Coalition For Open Government

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Coalition member Annmarie Reeb headed up this project, which involved many hours of coordinating volunteers, as well as inputting and reviewing data.

This report was done in partnership with the Cornell University State Policy and Advocacy Clinic. The following students assisted with this project: Andreas Psahos, Manahil Jafri, Hunter Maskin, and Jane Bowman Brady. The students worked under the guidance of Alexandra Felder Dufresne, Director, State Policy Advocacy Clinic, Jeb E. Brooks School of Public Policy at Cornell University. The State Policy Advocacy Clinic does not represent Cornell University.

Introduction

The first state to pass an open meetings law in the United States was Alabama in 1915. New York was the last state in the country to pass an open meetings law in 1976.

The New York State Open Meetings Law begins with the following:

“It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy.

The people must be able to remain informed if they are to retain control over those who are their public servants. It is the only climate under which the commonwealth will prosper and enable the governmental process to operate for the benefit of those who created it.”

As currently written, the New York State Open Meetings Law (OML) does not require all public bodies to broadcast their meetings. Certain state agencies and authorities with a website and high-speed internet under the OML are required to stream their meetings online “to the extent practicable and within available funds.” With such a weak requirement and the lack of any enforcement mechanism, many municipalities in New York State, which have the ability to stream or broadcast their meetings, are not doing so. To determine the state of livestreaming, the New York Coalition for Open Government has reviewed the websites and meeting minutes of 1,240 cities, towns, and villages, to collect data on who is livestreaming or taping their meetings and how they are doing so.

The Cornell State Policy and Advocacy Clinic is an intensive course offered by the Brooks School of Public Policy where student teams work closely with community partners and advocate for a portfolio of issues on the state level. The disability rights team within the clinic has been working to expand public participation in government decision making by advocating for increased remote accessibility in open meetings.

It is well documented that hybrid and remote options are possible for local governments, much to the benefit of older adults, parents, those with disabilities, and others. During the COVID-19 pandemic, attendance at local meetings rose sharply across New York State as widespread videoconferencing provided a flexible and low-risk method for people to participate in government from their own homes. However, many local and city governments have now moved back to fully in-person meetings, leaving many unable to observe their local government representatives as they once had.

More needs to be done to ensure that those who cannot participate in meetings in person have a way for their voice to be heard by their representatives. The disabilities rights team with the Cornell State Policy and Advocacy Clinic and the New York Coalition For Open Government believe that New York State should consider amending the Open Meetings Law to mandate that public bodies offer both in-person and remote options for public participation. A hybrid set-up with financial and technical support for towns and villages with less infrastructure would allow the public the greatest flexibility and would lead to more participatory government at the local level.

This report will serve as an audit of the current state of streaming public meetings across the state of New York. This data is also extremely valuable as it answers some questions that have not yet been addressed state-wide — are the poorest municipalities the ones struggling to stream the most? Are there any differences based on population size? Which tools are being used to stream, and what does this say about best practices for the state?

Recent Changes In NY State Law

New York City Community Boards were mandated in 2014 to livestream their meetings and to post video recordings online. In 2015, state agencies were required to do the same as “best as practicable” and in 2019, Industrial Development Agencies were required to livestream and post video recordings of their meetings online “as best as practicable”.

In 2022, Governor Hochul signed legislation which expanded use of videoconferencing by public bodies to conduct open meetings, under extraordinary circumstances. This new law allows members of a public body to participate in a meeting remotely provided written procedures have been adopted that set forth what the body determines to be “extraordinary circumstances.” The Law includes a non-exhaustive list of examples of such circumstances, “including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting. A quorum of Public body members must be physically present at such a hybrid meeting, where some members are present in person and some due to extraordinary circumstances are participating remotely.

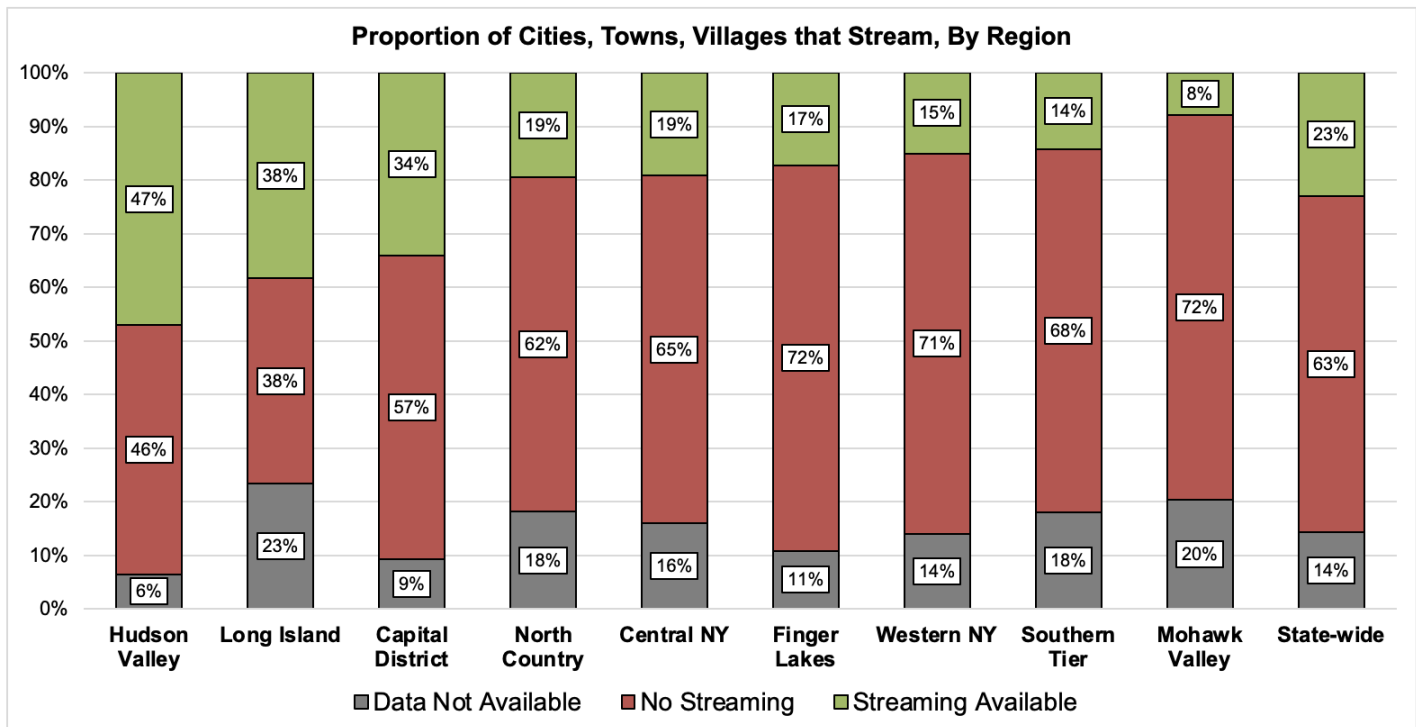
If a public body uses videoconferencing to conduct a meeting, the public notice for the meeting must inform the public that videoconferencing will be used and must include directions for how the public can view and/or participate (if participation is permitted) in such meeting. The public body must provide the opportunity for members of the public to view the meeting, using remote technology or in person, in real time.

What is interesting about this new hybrid meeting legislation is that it is geared totally towards accommodating public body members who cannot attend a meeting in person due

By mapping this data, a few interesting trends can be seen. Firstly, despite having a relatively high poverty rate, Tompkins County stands out from the rest of New York State as 85% (11 out of 13 municipalities) of its municipalities stream their public meetings, which is the highest in the state by far. Schenectady County’s streaming rate of 71% is the second highest in the state (5 out of 7 municipalities). Eight counties have no municipalities that livestream or tape whatsoever. Lower rates of streaming seem to be clustered around Western New York, the Southern Tier, and Mohawk Valley, which contain many counties with lower than average access to broadband. Higher rates of streaming seem to be visually clustered in Hudson Valley, Long Island, the Capital District, and the Finger Lakes regions.

These results initially suggest that there is some geographic clustering in streaming capacity, but there are certainly exceptions to the rule. Tompkins County, which has the highest streaming rate, is adjacent to four other counties with no streaming whatsoever. Furthermore, it seems upon first glance that wealthier counties do, on average, have higher streaming rates. However, Broome County, which as of 2020 had the highest poverty rate of any NYS County, had a higher than average streaming rate of 25% ([NYS OSC, 2022](#)). As such, there seems to be more at play within each individual county for why public bodies might not be streaming their meetings.

Figure 2. Public Meeting Streaming Rates By Region

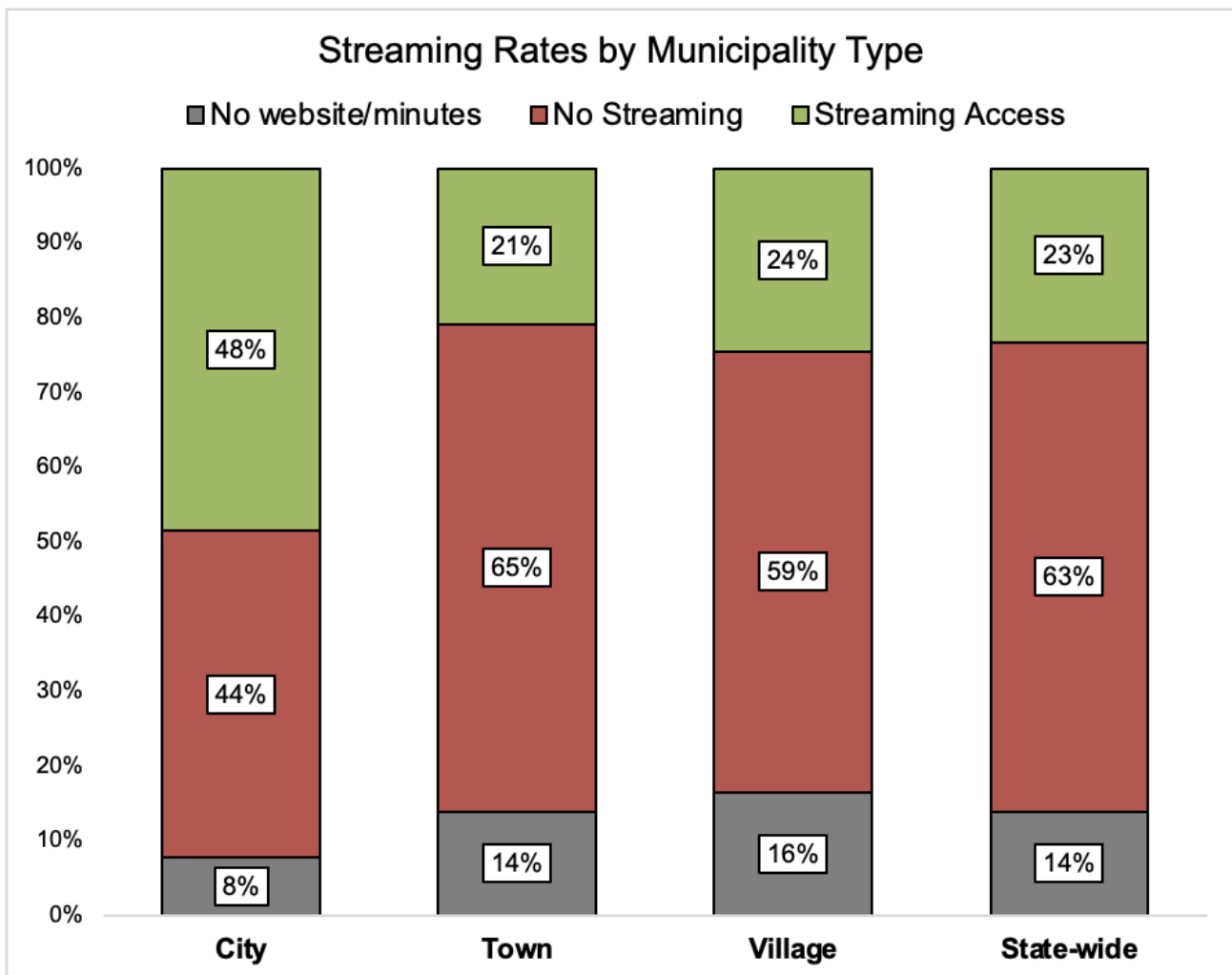


The above stacked bar chart formally looks at whether there are any significant differences in streaming rates of cities, towns, and villages across the different regions in New York State. Municipalities in the Hudson Valley, Long Island, and the Capital District stream at

rates higher than the state average, while the six other regions in NYS stream at subpar rates. At the bottom end, Mohawk Valley — which is the six-county region consisting of Schoharie, Montgomery, Fulton, Herkimer, Oneida, and Otsego Counties — only has a streaming rate of 8%, and of its 128 cities, towns, and villages, only 10 stream their meetings.

In the Hudson Valley, conversely, 80 of the region’s 170 cities, towns, and villages stream their meetings. Despite there being massive regional variation in streaming rates across the state, geographic location alone is not driving differences. The Southern Tier has the second lowest regional streaming rate among the nine regions, yet contains Tompkins County, which provides greater remote access to public meetings than any other county in the state.

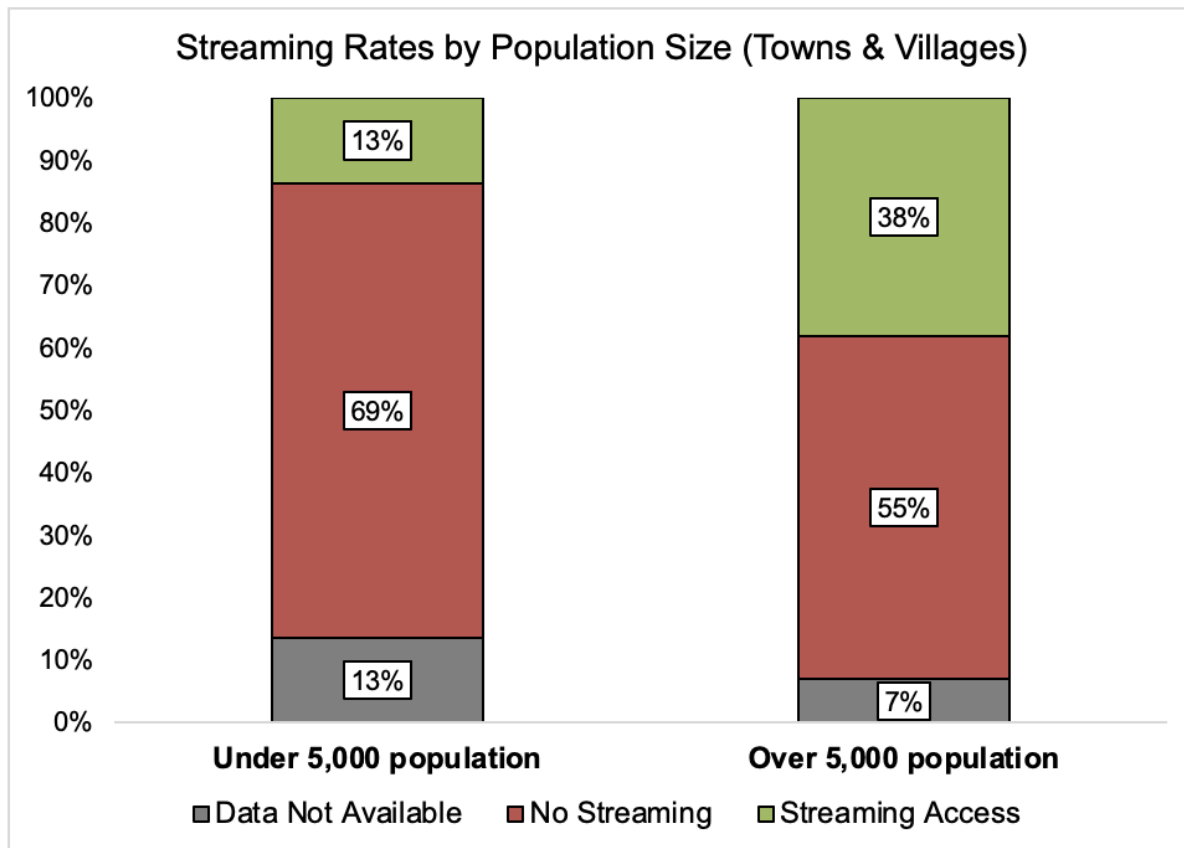
Figure 3. Streaming Rates By Municipality Type



The “State-wide” column includes all cities, towns, and villages.

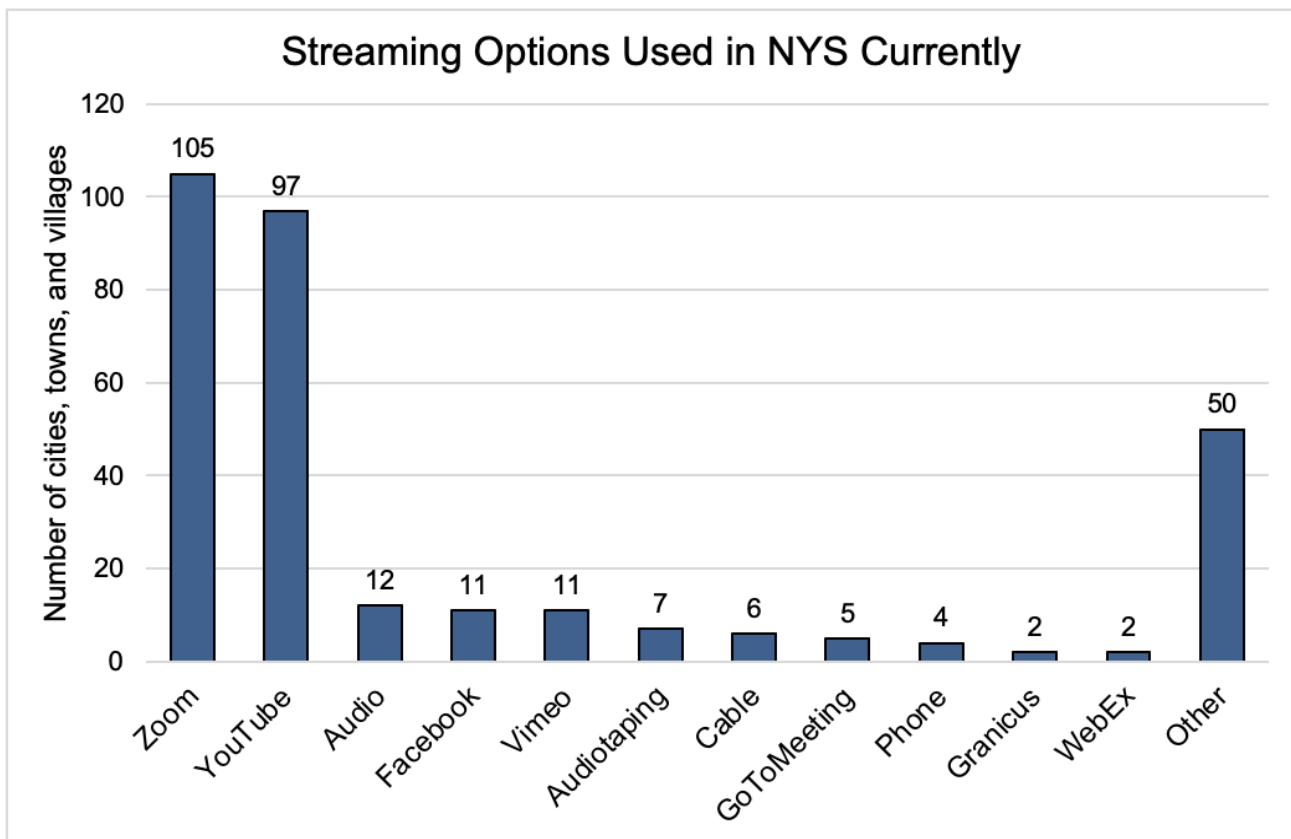
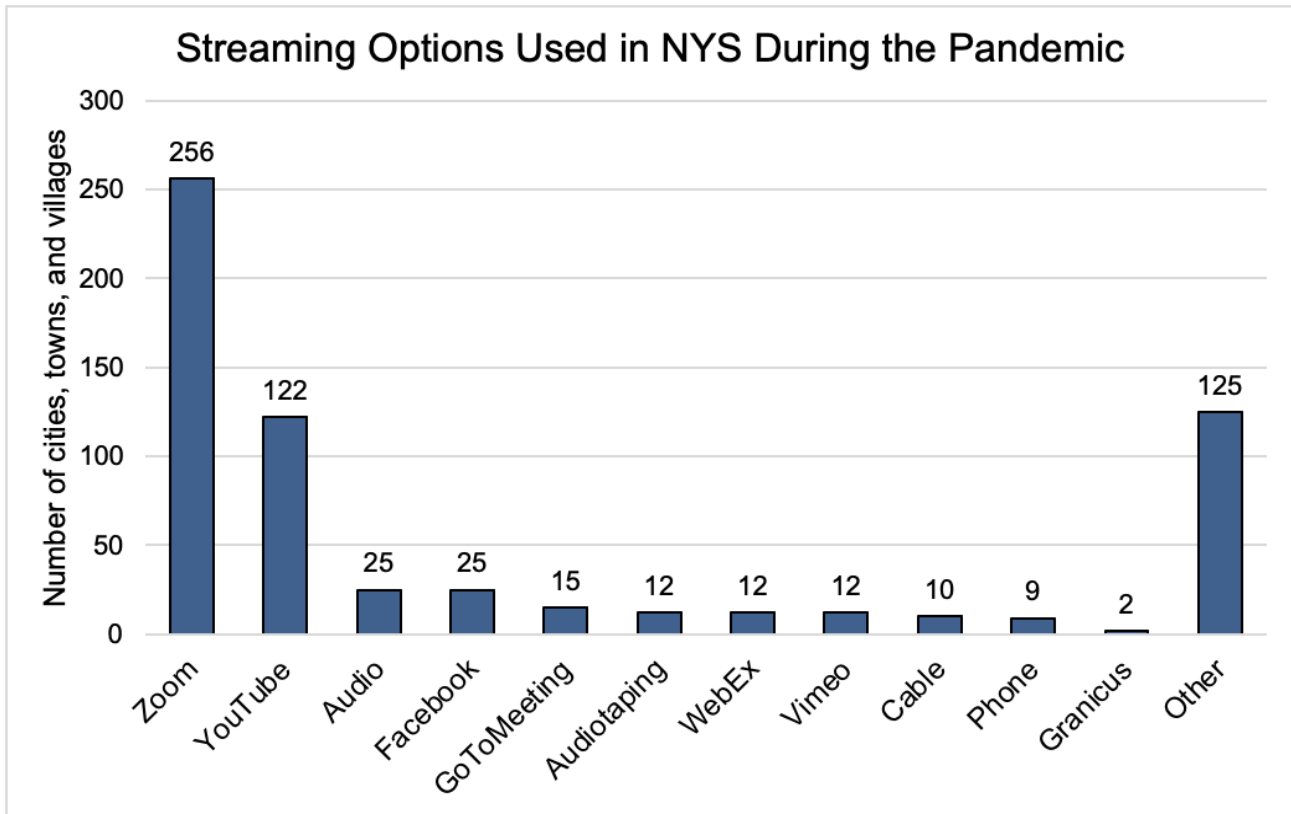
When considering where the largest gap in remote access to public meetings is, towns and villages are lagging public bodies with larger purviews. Nearly half of the 65 cities in the dataset stream, while only 21% of towns and 24% of villages are currently streaming their meetings. Since the majority of municipalities in New York State are towns and villages, of which there are 927 and 249, respectively, the state-wide streaming rate among all cities, towns, and villages remains low at 23%.

Figure 4. Livestreaming By Town, Village Size



Of the 1176 towns and villages in the dataset, 769 of them (65.4%) contained populations below 5,000 people. Looking at streaming rates between less and more populated municipalities, there is a clear divide in how much access residents have to streaming. Only 13% (80 out of 769) municipalities with populations below 5,000 people streamed their meetings, while 38% (155 out of 407) of municipalities with populations greater than 5,000 streamed. Furthermore, smaller towns and villages were much more likely to have no data available (no website or no meeting minutes) than larger towns.

Figures 5 & 6. Popularity of Various Streaming Methods, Total and Current



Data were collected in February 2023, and aggregated for cities, towns, and villages in NYS.

In order to determine which streaming options are most popular among municipalities which stream their meetings, data was collected on both current and historical streaming modalities. The “other” category is for municipalities with vague information or ones that used relatively rare streaming tools, including public TV, radio, and less popular websites. According to online records as of February 2023, a total of 581 cities, towns, and villages in NYS have streamed since the COVID-19 pandemic, but only 285 continue to stream today.

In general, including the municipalities that streamed during the COVID-19 pandemic, Zoom was the most popular streaming option, followed by YouTube (either live or taped), audio streaming, Facebook Live, and Vimeo. Many other services were used, but only a handful of municipalities used each. Some made use of local cable TV to transmit their meetings, and others offered remote audio participation over the phone. Currently, YouTube is used much more frequently to stream public meetings, though Zoom is still the most popular option. This information on what platforms are preferred by cities, towns, and villages is essential to begin considering what resources could best assist municipalities to stream meetings and follow best practices.

Conclusion

While it may be difficult for some rural communities to livestream their meetings, several rural upstate communities have risen to the challenge and are livestreaming, such as:

Towns	Population
• Newcomb	418
• Stratford	538
• Putnam	567
• Essex	621
• Hague	623
Villages	Population
• Aurora	607
• Lake George	1,008
• Cuba	1,517
• Red Hook	1,975
• Lisle	2,677

It is honestly not difficult or expensive to livestream and post video recordings online. In some communities residents or government officials livestream and film board meetings using a cell phone and a tripod. John Dolce, the Supervisor of Rensselaerville (population 1,800), has his clerk livestream meetings on Facebook, using an iPad. A perfect example of how for not a lot of money a local government committed to transparency can work with what they have.

Patrick Brady, the School Superintendent for the Massena Central School Board (2,500 students), made arrangements to livestream school board meetings by hiring a music teacher as a videographer for a stipend of \$2,798 per year. The music teacher records Board meetings to YouTube Live and also posts the video to the webpage later.

During the pandemic, With the ability to watch meetings live and to view recordings anytime, the number of people following local government meetings skyrocketed. In the City of Ogdensburg with a population of 10,000, over 1,000 people registered to watch a City Council meeting live. The Buffalo Common Council recently had 18,000 people watch one of their meetings.

These numbers show that the public is interested in what government officials are doing and that utilizing technology to make meetings available is important.

According to a Post-Journal newspaper article from August 2020, the Jamestown City Council has had 450 people viewing meetings online. The Chautauqua County Legislature had 650 people viewing their meetings. A Dunkirk Common Council meeting was seen by 1,230 people.

While few people may be able to physically attend a municipal meeting due to a variety of reasons, the numbers cited above show that the public is interested in what is happening in their local communities. The COVID pandemic changed how the world operates in so many ways. Remote and hybrid meetings have become a new way of life that have many positive aspects. Local governments need to evolve with the times and the technology available to conduct hybrid meetings is not that difficult or expensive. Many local governments with small populations and budgets have figured out how to do hybrid meetings.

We support providing additional funding to local governments to address any technology needs or assistance required so that they can livestream and record their meetings.

Two states have recently passed laws requiring local governments to livestream their meetings and to post recordings online: Oregon & Indiana. Similar bills have been proposed in other states: Virginia, Mississippi, Rhode Island, Maryland.

The time has come for New York State to be an early leader and adopter in providing greater public access to governmental meetings by requiring that public bodies livestream in person meetings and post recordings of such meetings online. Many communities are already doing this and the technology to make it happen is readily available and affordable.