

Proposal 9: ELIMINATE PHYSICAL ACCESS REQUIREMENT IN THE OPEN MEETINGS LAW FOR ADVISORY COMMITTEES AND SUBCOMMITTEES OF PUBLIC BODIES



ISSUE

Presently, the Open Meetings Law requires public access to locations where members of purely advisory committees and subcommittees attend meetings when they participate virtually, which makes holding meetings more difficult and therefore results in less transparency for the public.

The Open Meetings Law (OML) requires that when meetings of committees and subcommittees of public bodies, including those that are advisory only and lack decision making authority, are conducted using videoconferencing, not only must they be open to the public to attend virtually – a requirement we strongly endorse – but members of the public must also be permitted to attend such meetings at every physical location from which individual members of the public body are participating. Presently, the only exception to this requirement is for those who are experiencing exceptional circumstances, who can participate but don't count toward a quorum.

Such a physical access requirement for meetings of purely advisory committees and subcommittees does not enhance transparency, results in inefficiency, increases the cost of holding public meetings, causes far fewer public committee meetings to be held, and decreases the number of public meetings of such bodies available for the public to observe.

PROPOSAL

Amend the Open Meetings Law to allow meetings of purely advisory and non-decision-making committees and subcommittees to be held virtually with no requirement of physical access to participating commission members.

Removing the physical access requirement will increase transparency and substantially increase the number and frequency of non-decisional committee meetings of advisory-only bodies. Authorizing purely advisory subordinate bodies to meet by publicly livestreamed and recorded videoconference, with ample public notice and without requiring members to travel long distances to assemble physically in public, will facilitate the readily accessible convening of such meetings and thereby both foster the principle of public scrutiny of the workings of state and local government that lies at the heart of the OML and serve the broader public interest without materially trenching upon either.

The OML should be amended to authorize meetings of purely advisory committees, subcommittees and other subordinate bodies to be conducted openly and accessibly, using ubiquitous and universally accepted videoconferencing and livestreaming technology without requiring members to assemble physically at locations open to the public. An amendment to the OML that eliminates the physical access requirement of the current statute for meetings of purely advisory subordinate bodies and permits such bodies to conduct their meetings using readily available and widely used technologies that provide fully effective and comprehensive contemporaneous public access to those meetings, thereby advancing the objectives of the OML and its guiding principle, transparency in government proceedings.

Please note, draft bill language is available upon request.

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