



Open Meetings Law (OML) Frequently Asked Questions

Who is covered by the Open Meetings Law?

The Open Meetings Law applies to "public bodies." That term is defined to include entities consisting of two or more people that conduct public business and perform a governmental function for New York State, for an agency of the state, or for public corporations, such as cities, counties, towns, villages and school districts. Committees and subcommittees of these entities are also included within the definition. Consequently, city councils, town boards, village boards of trustees, school boards, commissions, legislative bodies, and committees and subcommittees consisting of members of those groups all fall within the framework of the Law. See advisory opinions under "P" for "Public Body" in the [OML Advisory Opinion Index](#).

What is a meeting?

The term "meeting" is defined as "the official convening of a public body for the purpose of conducting public business." As such, when a quorum (a majority of the membership of a public body) gathers for the purpose of discussing public business, the meeting must be convened open to the public, whether or not there is an intent to take action and regardless of the manner in which the gathering may be characterized. See advisory opinions under "M" for "Meeting" and "Q" for "Quorum" in the [OML Advisory Opinion Index](#).

How do I know if a meeting is going to be held?

The Law requires that notice of the time and place of all meetings be given prior to every meeting. If a meeting is scheduled at least a week in advance, notice must be given to the public and the news media not less than 72 hours prior to the meeting. When a meeting is scheduled less than a week in advance, notice must be given to the public and the news media "to the extent practicable" at a reasonable time prior to the meeting. Notice to the public must be accomplished by posting in one or more designated public locations, and posting online. Notice must be given to the news media; there is no requirement that notice be published in the newspaper. See advisory opinions under "N" for "Notice" in the [OML Advisory Opinion Index](#).

What is an "executive session"?

The Law provides for closed or "executive" sessions under certain circumstances prescribed in the Law. It is noted that an executive session is not separate from an open meeting but rather is a portion of an open meeting during which the public may be excluded. The Law requires that a public body take several steps to close the meeting. First, a motion must be made during an open meeting to enter into executive session; second, the motion must identify the general area or areas of the subject or subjects to be considered; and third, the motion must be carried by a majority vote of the total membership of a

public body. See advisory opinions under “E” for “Executive Session” in the [OML Advisory Opinion Index](#).

Can a public body close a public meeting for "personnel matters"?

Citing "personnel matters" is not a sufficient ground for going into an executive session. The motion to go into executive session should be more specific. For example, a motion could be made to enter into executive session to discuss "the employment history of a particular person." The person would not have to be identified. See advisory opinions under “P” for “Personnel” in the [OML Advisory Opinion Index](#).

What can a public body discuss in executive session?

Pursuant to the proper motion, a public body may discuss only issues listed in [§105\(1\) of the Open Meetings Law](#). A public body cannot vote to appropriate public monies during a closed session. Although most public bodies (except school boards) may vote during a properly convened executive session, any vote to expend public monies must be taken in public. See advisory opinions under “E” for “Executive Session” in the [OML Advisory Opinion Index](#).

Who can attend an executive session?

An executive session can be attended by members of the public body and any other persons authorized by the public body. [OML §105\(1\)](#).

Can I speak at a meeting?

The Law is silent with respect to public participation. While it has been advised that a public body does not have to allow the public to speak, many choose to permit public participation. In those instances, it has been advised that a public body must treat all persons in a like manner. For instance, the public body can adopt reasonable rules to ensure fairness; i.e., allowing those who want to speak a specific period of time to express their views. See advisory opinions under “P” for “Public Participation” in the [OML Advisory Opinion Index](#).

I requested minutes of a town board meeting and was told that I could not have them until they were approved. Is this right?

No. The Law states that minutes of open meetings must be made available within two weeks of the meeting; minutes of executive sessions must be made available within one week of the executive session. It has been suggested that if the minutes have not been approved, they may be marked "draft," "unapproved," or "non-final" when they are disclosed. See advisory opinions under “M” for “Minutes, Unapproved” in the [OML Advisory Opinion Index](#).

How can I learn more specific information about open meetings?

Through the [OML Advisory Opinion Index](#). Committee staff prepares written advisory opinions in response to particular sets of facts and circumstances. Many are available online, through two separate indexes (FOIL and Open Meetings Law), organized by key phrase. The higher the number, the more recent is the opinion.

For example, if you would like to know more about whether a board is required to post notice of its meetings online, you would review opinions under “N” for “Notice” in the OML Advisory Opinion Index. If you are unable to find an opinion through the key phrase index, use the Google search box above the alphabet grid to locate opinions with particular words or phrases.

These opinions represent the view of the Committee on Open Government at the time that they were rendered. They may not longer represent those views if, for example, there have been subsequent court decisions or statutory amendments that bear on the issues discussed in the opinions.

Advisory opinions that are not available online, primarily those prepared prior to 1993, are maintained by the Committee on Open Government and a various law libraries throughout the state. Copies of these opinions are available by [contacting the Committee](#).