

# COMMITTEE ON OPEN GOVERNMENT

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## COMMITTEE MEMBERS

ROANN M. DESTITO  
PETER D. GRIMM  
HADLEY HORRIGAN  
ROBERT F. MUJICA,  
JR.  
ROSSANA ROSADO  
DAVID A. SCHULZ  
FRANKLIN H. STONE  
STEPHEN B. WATERS

**EXECUTIVE DIRECTOR**  
SHOSHANAH BEWLAY

## MINUTES

### MEETING OF NYS COMMITTEE ON OPEN GOVERNMENT HELD IN-PERSON AND BY WEBEX PURSUANT TO CHAPTER 417 of LAWS of 2021

October 19, 2021, 10:00am

#### Members Present:

Phil Giltner (Lt. Gov, in person), Peter Grimm (in person), Franklin Stone (in person), Vilda Mayuga (Department of State, in person), William Bruso (Office of General Services, by WebEx), Joel Lombardi (Division of the Budget, by WebEx), Stephen Waters (by WebEx)

#### Department of State Staff Present (in person):

Shoshanah Bewlay, Kristin O'Neill, Christen Smith, Jake Forken, Candace Watson

#### Welcome:

Quorum present

#### Approval of Minutes:

On a motion to approve the minutes of the September 21, 2021, meeting, members suggested that the minutes be revised to provide additional details. Revised will be forwarded to members for review and comment prior to the next meeting.

#### Discussion of Draft 2021 Annual Report

The Executive Director reviewed the draft 2021 Annual Report with Committee members and they proposed several modifications to the draft, including both structural and substantive. The Executive Director will circulate for review as soon as possible a new draft that incorporates comments from the meeting and any additional comments, edits and material submitted after the meeting by Committee members.

#### Process for Taking Public Comment

On motion, members unanimously agreed to permit public comment at the end of business at today's meeting only, relating to the business of the Committee, with a three-minute time limit. Three people commented: Paul Wolf, Rachel Frost and M.A.

#### Rules of Order

Franklin Stone suggested that the Committee adopt Robert Rules of Order as guidelines for the conduct of Committee meetings.

### **Research and Data Analysis**

A member referred to a report in an online blog that had noted that it is difficult to track statewide FOIL compliance and that the Committee's appeals log, which was the subject of a FOIL request and discussed in the blog, does not provide all of the details that the blogger needed to render an analysis of statewide compliance with FOIL.

The Executive Director explained that the log, which was begun in June 2020, is meant only to track basic information concerning appeals and determinations that agencies are required to submit to the Committee pursuant to FOIL § 89(4)(a); because not all agencies comply with this provision and some agencies only partially comply, it is difficult to draw meaningful conclusions from the collected data.

Members suggested that agencies might be sent reminders about their obligation under FOIL § 89(4)(a) in order to increase compliance. Public commenter Paul Wolf suggested that the Committee could contact representative groups, such as the NYS Conference of Mayors, NY Association of Counties, and NYS Clerks Association, to ask that these groups contact their constituents with such reminders. Members asked that the Executive Director and her staff report back on this topic.

### **Other New Business**

The Executive Director reported that there was no update on the status of filling member vacancies.

A member suggested the posting of new Advisory Opinions in the "News" section on the Committee website. The Executive Director agreed that this would be done.

The next Committee meeting will be November 15, 2021, at 10 am, both in person at Department of State offices in New York City and Albany and by WebEx. Notice will be posted.

**Adjourned at 11:45 am**