



**For Immediate Release:**

May 31, 2022

**Contact:** 518-486-9846

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**New York State Committee on Open Government  
to Meet on Tuesday, June 7, 2022, at 10:00 a.m.**

Members of the New York State Committee on Open Government will meet on Tuesday, June 7, 2022, at 10:00 a.m. at the Department of State offices in Albany and New York City, and remotely by WebEx in accordance with Chapter 417 of the Laws of 2021, as modified by Chapter 1 of the Laws of 2022. The public is welcome to attend remotely by WebEx or in person at either of the meeting locations.

An agenda for this meeting will be posted on the Committee website before the meeting.

**WHO:** New York State Committee on Open Government

**WHAT:** Meeting of the Committee

**WHEN:** Tuesday, June 7 at 10:00 a.m.

**WHERE:** New York Department of State offices at:

- One Commerce Plaza/99 Washington Avenue  
Conference Room 1112, Albany, NY
- 123 William Street  
Conference Room 231, New York, NY

### WebEx Information

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Mobile Devices  
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<https://meetny.webex.com/meetny/onstage/g.php?MTID=e14d1fe7903fcb0d2ad00a0945cec1cb2>

Password: COOG6722

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Audio conference information  
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Local: 1-518-549-0500  
Access code: 161 451 4747  
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## **COMMITTEE ON OPEN GOVERNMENT**

STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
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### **COMMITTEE MEMBERS**

ANTONIO DELGADO  
PETER D. GRIMM  
HADLEY HORRIGAN  
JEANETTE MOY  
ROBERT MUJICA, JR.  
ROBERT J. RODRIGUEZ  
DAVID A. SCHULZ  
FRANKLIN H. STONE  
STEPHEN B. WATERS

**EXECUTIVE DIRECTOR**  
SHOSHANAH BEWLAY

## MEETING AGENDA NYS COMMITTEE ON OPEN GOVERNMENT June 7, 2022

1. Welcome and Roll Call
2. Approval of minutes of December 8, 2021, meeting
3. Brief report on activities of Director's staff since last meeting
4. Discussion of possible adoption of bylaws or other rules/processes
5. Discussion of transparency issues arising from government use of algorithms or artificial intelligence to conduct business
6. Discussion of Chapter 56 of the Laws of 2022
7. Discussion of proposed/draft OML § 103-a Resolution and related Procedures
8. Public Comment
9. Other or New Business

Adjourn

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## **DRAFT** MINUTES

### MEETING OF NYS COMMITTEE ON OPEN GOVERNMENT Held by WebEx Pursuant to Chapter 417 of the Laws of 2021 December 8, 2021, 1:00pm

#### **Members Present by WebEx:**

Vilda Mayuga (Secretary of State), William Bruso (OGS), Joel Lombardi (DOB), Peter Grimm, Franklin Stone, David Schulz, Phil Giltner (Lt. Governor), Stephen Waters, Hadley Horrigan

#### **Executive Director's Staff Present by WebEx:**

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 November 23, 2021, Committee meeting, all were in favor and the minutes were approved.

#### **Draft Report:**

The Executive Director reviewed the draft Report with Committee members, who suggested a few edits. On motion to approve the Committee's 2021 Annual Report with the edits discussed and agreed upon during the meeting, all were in favor and the report was approved. The Executive Director will circulate the final 2021 Annual Report to Committee members, the Legislature and Governor on or before December 15, 2021.

#### **Public Comment:**

The Committee heard comments by WebEx attendees Michelle A. and Tom Speaker.

#### **Other or New Business:**

On a suggestion that the Committee meet, preferably in-person, in Albany in February 2022 to discuss the Committee mission and possible bylaws, Committee members agreed. Members agreed to create a group of Members to plan the agenda for the meeting consisting of David Schulz, Franklin Stone and William Bruso. The Executive Director's staff will circulate bylaws collected from among other state entities to serve as possible models for the Committee and will seek from Members possible dates for such a meeting.

**Adjourned at 1:43pm**

Resolution No. \_\_\_\_\_

**The New York State Committee on Open Government**

**WHEREAS**, by passing Chapter 56 of the Laws of 2022 (“Chapter 56”), the New York State Legislature amended Section 103 of the Open Meetings Law; and

**WHEREAS**, Chapter 56 adds Section 103-a of the Open Meetings Law, permitting the Committee on Open Government to authorize its members to attend meetings by videoconferencing under extraordinary circumstances; and

**WHEREAS**, Section 103-a(2)(a) requires the Committee on Open Government to adopt a resolution authorizing the limited use of videoconferencing under such circumstances; and

**WHEREAS**, Section 103-a(2) allows for hybrid meetings by requiring “that a minimum number of members are present to fulfill the public body’s quorum requirement in the same physical location or locations where the public can attend”; and

**WHEREAS**, Section 103-a(2)(c) requires that members be physically present at any such meeting “unless such member is unable to be physically present at any such meeting location due to extraordinary 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”; and

**WHEREAS**, in accordance with Section 103-a(2)(d), any members attending by videoconference must be “heard, seen and identified, while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon”; and

**WHEREAS**, Section 103-a(2)(g) requires that any meeting where a member attends by videoconference be recorded, posted to the Committee on Open Government webpage within five business days, and transcribed upon request; and

**WHEREAS**, Section 103-a(2)(h) requires that members of the public be permitted to attend and participate, if authorized, in any meeting by videoconference when a member attends by videoconference.

**BE IT RESOLVED**, that the Committee on Open Government authorizes its members who experience an extraordinary circumstance, as described above and further defined by any rules or written procedures later adopted, to attend meetings by videoconference: (i) as long as a quorum of the members attend in-person at one or more locations open to the public; (ii) as long as the member can be seen, heard, and identified while the meeting is being conducted; and (iii) as otherwise permitted under Chapter 56 of the Laws of 2022; and be it further

**RESOLVED**, that the Committee on Open Government shall create written procedures further governing its use of videoconferencing by its members in compliance with Chapter 56 of the Laws of 2022.

**The Committee on Open Government  
Procedures for Member Videoconferencing  
Pursuant to Public Officers Law § 103-a**

In compliance with Public Officers Law (POL) § 103-a(2)(a), the Committee on Open Government (the “Committee”), following a public hearing, authorized by resolution on [insert date] the use of videoconferencing as described in POL § 103-a.

The following procedures are hereby established to satisfy the requirement of POL § 103-a(2)(b) that any public body which in its discretion wishes to permit its members to participate in meetings by videoconferencing from private locations – under extraordinary circumstances – must establish written procedures governing member and public attendance.

1. Committee members shall be physically present at any meeting of the Committee unless such member is unable to be physically present at one of the designated public meeting locations due to extraordinary circumstances.
2. For purposes of these procedures, the term “extraordinary circumstances” includes disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.
3. If a member is unable to be physically present at one of the designated public meeting locations and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the member must notify the Executive Director of the Committee no later than four business days prior to the scheduled meeting in order for proper notice to the public to be given.
4. If there is a quorum of members participating at a physical location(s) open to the public, the Committee may properly convene a meeting. A member who is participating from a remote location that is not open to in-person physical attendance by the public *shall not* count toward a quorum of the Committee but may participate and vote if there is a quorum of members at a physical location(s) open to the public.
5. Except in the case of executive sessions conducted pursuant to POL § 105, the Committee shall ensure that its members can be heard, seen, and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. This shall include the use of first and last name placards physically placed in front of the members or, for members participating by videoconferencing from private locations due to extraordinary circumstances, such members must ensure that their full first and last name appears on their videoconferencing screen.
6. The minutes of the meetings involving videoconferencing based on extraordinary circumstances pursuant to POL § 103-a shall include which, if any, members participated by videoconferencing from a private location due to such extraordinary circumstances.

**The Committee on Open Government  
Procedures for Member Videoconferencing  
Pursuant to Public Officers Law § 103-a**

7. The public notice for the meeting shall inform the public: (i) that extraordinary circumstances videoconferencing will (or may) be used, (ii) where the public can view and/or participate in such meeting, (iii) where required documents and records will be posted or available, and (iv) the physical location(s) for the meeting where the public can attend.
8. The Committee shall provide that each open portion of any meeting conducted using extraordinary circumstances videoconferencing shall be recorded and such recordings posted or linked on the Committee's website ([www.opengovernment.ny.gov](http://www.opengovernment.ny.gov)) within five business days following the meeting, and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.
9. If members of the Committee are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the Committee shall provide the opportunity for members of the public to view such meeting by video, and to participate in proceedings by videoconference in real time where public comment or participation is authorized. The Committee shall ensure that where extraordinary circumstances videoconferencing is used, it authorizes the same public participation or testimony as in person participation or testimony.
10. Open meetings of the Committee conducted using extraordinary circumstances videoconferencing pursuant to the provisions of POL § 103-a shall be broadcast pursuant to the requirements of POL § 103(f) and shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this guideline, "disability" shall have the meaning defined in Executive Law § 292.
11. The in-person participation requirements of POL § 103-a(2)(c) shall not apply during a state disaster emergency declared by the governor pursuant to Executive Law § 28 if the Committee determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Committee to hold an in-person meeting.
12. These procedures shall be conspicuously posted on the Committee's website ([www.opengovernment.ny.gov](http://www.opengovernment.ny.gov)).