

COMMITTEE ON OPEN GOVERNMENT

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DEPARTMENT OF STATE
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COMMITTEE MEMBERS
ANTONIO DELGADO
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ROBERT J. RODRIGUEZ
DAVID A. SCHULZ
FRANKLIN H. STONE
STEPHEN B. WATERS

EXECUTIVE DIRECTOR
SHOSHANAH BEWLAY

MINUTES

MEETING OF NYS COMMITTEE ON OPEN GOVERNMENT

Held by WebEx Pursuant to Chapter 417 of the Laws of 2021,
as modified by Chapter 1 of the Laws of 2022.

June 7, 2022, at 10am

Members Present by WebEx:

Zoila Del Castillo (Secretary of State), William Bruso (OGS), Joel Lombardi (DOB), Peter Grimm, Franklin Stone, David Schulz, Amanda De Santis (Lt. Governor), Stephen Waters, Hadley Horrigan

Executive Director's Staff Present in Person:

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

Executive Director's Staff Present by WebEx:

Christen Smith

Welcome:

Introduction new member designees Amanda De Santis (Lt. Governor) and Zoila Del Castillo (Secretary of State). Ian MacCallum, present by WebEx, will replace William Bruso as designee for OGS at the next meeting.

Quorum present

Approval of Minutes:

On a motion to approve the minutes of the December 8, 2021, Committee meeting, all were in favor and the minutes were approved.

Staff Activities:

The Executive Director reported for the period November 2021 through May 2022, representing the period since the last annual report was finalized, the following activities: 1100 calls handled; 1100 informal advisory opinions issued; 22 formal advisory opinions issued; 2600 appeals/determinations reviewed; 30 training sessions (both virtual and in-person) provided to 2872 people; and several recorded presentations given for Albany Law School.

Chapter 56 of the Laws of 2022:

The Executive Director gave a brief overview of Chapter 56 of the Laws of 2022, an amendment to the Open Meetings Law (OML) to make permanent (until July 1, 2024) the expanded use of videoconferencing by public bodies to conduct open meetings, under extraordinary circumstances, regardless of a declaration of emergency.

She identified that if the Committee wishes to leverage this provision of law, it must hold a public hearing and thereafter adopt a resolution approving it. On a motion to approve the proposed/draft OML § 103-a Resolution and related Procedures circulated to members, Committee members were unanimously in favor and authorized the Executive Director's staff to move forward with scheduling a public hearing. The Executive Director will keep members apprised of all progress on the scheduling of the public hearing.

Possible adoption of bylaws or other rules/processes:

The bylaws committee, formed at the December 2021 meeting, will continue to review models provided and will examine this question more closely when the Committee membership is full upon the appointment of two new members.

Transparency issues arising from government use of algorithms to conduct business:

David Schultz suggested that the Committee consider recommendations for an amendment to FOIL to ensure that the public may understand and have visibility into algorithms used by government agencies to make government decisions. In this connection, he will work with the Executive Director to further identify possible areas for proposals to the current transparency laws for consideration by Committee members.

Possible additional oversight mechanisms for Agency non-compliance with FOIL:

David Schultz suggested, consistent with the idea raised the 2021 Annual Report, that New York may need recommendations for additional mechanisms for oversight of government transparency laws such as exist in other states, including models with centralized attorney general or specialized court or committee body review of all FOIL appeals. Committee members will consider possible recommendations for this year's report.

Public Comment:

The Committee heard comments from WebEx attendees (i) David and (ii) Paul Wolf.

Other or New Business:

The Executive Director's staff will provide members with possible dates for a meeting to be held in September 2022.

Adjourned at 11:44 am