

COMMITTEE ON OPEN GOVERNMENT

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EXECUTIVE DIRECTOR

SHOSHANAH BEWLAY

MEMORANDUM

TO: Whom it May Concern

FROM: Shoshanah Bewlay
Executive Director, Committee on Open Government

RE: *Alert: Municipalities must maintain official webpages and post certain content.*

DATE: January 6, 2025

On December 21, 2024, Governor Kathy Hochul signed into law Chapter 609 of the Laws of 2024, amending General Municipal Law §§ 300 and 30(7). Beginning on June 19, 2025, all municipalities must maintain and regularly update an official webpage utilizing a “.gov” domain.

Among other posting requirements, municipalities must post

- notices of all “municipal elections, public hearings, and public meetings including regular board or legislative meeting,”
- the “agenda and minutes of municipal meetings” as required under the OML,
- its codes, local laws, and resolutions, and
- “documentation pertaining to its most recent annual financial reports, current year budget, most recent independent audit report and most recent fiscal performance plan or multiyear financial plan,” as required under State Finance Law §54(g), unless such information is exempt from disclosure under § 87(2) of FOIL.

The Committee offers several points of clarification regarding the interaction of Chapter 609 with the OML. The OML does not require public bodies, including municipalities, to create or follow agendas. Section 106 does require all public bodies to produce minutes. In our opinion, when read together with Chapter 609, municipalities are now required to post either minutes or unabridged video or audio recordings or unabridged written transcripts to their webpages within the statutorily required timeframes. If recordings or transcripts are posted in lieu of minutes, minutes must still be produced and available within the required timeframes.

Section 103(e) additionally requires public bodies to post all records which are “scheduled to be the subject of discussion” at an open meeting at least twenty-four hours before the meeting. See [Disclosure of Records Scheduled for Discussion at Open Meetings](#) for further discussion of that requirement. In our opinion, a meeting agenda, should one be created, is a record

scheduled to be the subject of discussion and must, therefore, be posted to municipal webpages accordingly.

Additionally, § 104(6) provides that “[w]hen a public body has the ability to do so, notice of the time and place of a meeting given in accordance with subdivision one or two of this section, shall also be conspicuously posted on the public body's internet website.” Reading that language together with Chapter 609, when the public body is part of a municipality, it must post meeting notices to its webpage.

Lastly, any municipality having approved the limited use of videoconferencing permitted under § 103-a must post the required “written procedures governing member and public attendance” as well as copies of recorded meetings on its webpage within five business days of the meeting.