

Reinvent Albany
BetaNYC
Bronx Independent Living Services
Brooklyn Center for Independence of the Disabled (BCID)
Center for Independence of the Disabled, New York
Citizens Union of the City of New York
Common Cause/NY
Harlem Independent Living Center
League of Women Voters of New York State
National Freedom of Information Coalition
New York Coalition for Open Government
New York Lawyers for the Public Interest
New York News Publishers Association
New York Public Interest Research Group
Staten Island Center for Independent Living

March 16, 2022

VIA EMAIL

Kathy Hochul
Governor, State of New York

Carl Heastie
Speaker, New York State Assembly

Andrea Stewart-Cousins
Majority Leader, New York State Senate

Re: Please change the Open Meetings Law to require agencies to offer the public both remote and in-person participation in public meetings.

Dear Governor Hochul, Majority Leader Stewart-Cousins, and Speaker Heastie,

We write to urge you to amend the Open Meetings Law (OML) to require state and local agencies to offer the public a hybrid system of in-person and remote participation. Our groups believe a hybrid system has huge advantages and both makes it easier for the broader public to participate in open meetings remotely, and maintains the traditional accountability of in-person meetings.

New Yorkers learned a great deal during the COVID-19 pandemic, including that remote public meetings were a boon to members of the disabled community, parents of young children and the many other civic-minded people whose circumstances make it challenging to attend meetings in person. We believe it would be a huge step backwards for New York's governments to stop offering remote public participation, and would be particularly harmful to the state's disabled community. Likewise, we understand the many advantages of in-person meetings and believe it would be a mistake to only have remote meetings.

Fortunately, New York can have both. Agencies like the Metropolitan Transportation Authority (MTA) have shown that a hybrid public meeting process is workable.

Our groups have eight recommendations for how the state can do this:

- 1. Require all state and local public bodies currently subject to OML to provide free, unrestricted remote video and voice access to their public meetings, including via telephone, using web-based video conferencing applications.**
- 2. Require either a majority of the body OR the presiding official or top deputy to attend all public meetings of public bodies in-person**, but allow other members of the body to fully participate remotely, including being counted towards a quorum and voting. However, the presiding official should not be able to designate any colleague or representative for the in-person meeting.
- 3. Require public bodies to provide an in-person, accessible meeting location that allows the interested public to attend per the existing requirement in OML.** (Discontinue the requirement that public attendance must include access to other locations where individual members of the body are participating in the meeting.)
- 4. Allow state and local public bodies to meet remotely using widely commercially available web applications** like Zoom, Google Meet, Microsoft Teams, etc. as long as they meet basic security requirements established by the NYS Office of Information and Technology Services (ITS). Require ITS to facilitate use of widely available, low-cost applications, and eliminate any requirement that web-based video conferencing apps must be hosted on state or local government-controlled or -owned servers. All such meetings must enable closed captioning, which those services provide, and provide an American Sign Language interpreter upon request.
- 5. Allow ITS to provide a time-limited waiver of two or three years for localities that lack sufficient broadband access to meet requirement #4.**
- 6. At meetings that allow for public comments, require public bodies to enable the public to provide spoken comment in real-time, both in-person and remotely.**
- 7. Require public bodies to publish online, replayable recordings of their public meetings within one business day.**
- 8. Require public bodies to maintain publicly available online recordings of their open meetings for at least five years.**

The ability to participate and speak at public meetings is essential to our democracy. Updating OML as soon as possible will help more New Yorkers participate in the workings of our government and petition our representatives, while at the same time provide relief for public officials struggling to keep up with changes in the law.

Sincerely,

John Kaehny
Executive Director
Reinvent Albany

Noel Hidalgo
Executive Director
BetaNYC

Brett Eisenberg
Executive Director
Bronx Independent Living Services

Joseph G. Rappaport
Executive Director
Brooklyn Center for Independence of
the Disabled (BCID)

Sharon McInnon-Wier, Ph.D., MEd.,
CRC, LMHC
Executive Director
Center for Independence of the
Disabled, New York

Betsy Gotbaum
Executive Director
Citizens Union of the City of New York

Susan Lerner
Executive Director
Common Cause/NY

Christina Curry
Executive Director
Harlem Independent Living Center

Laura Ladd Bierman
Executive Director
League of Women Voters of New York
State

Todd Fettig
Executive Director
National Freedom of Information Coalition

Paul Wolf, Esq.
President
New York Coalition for Open Government

Christopher Schuyler
Senior Staff Attorney, Disability Justice
Program
New York Lawyers for the Public Interest

Diane Kennedy
President
New York News Publishers Association

Blair Horner
Executive Director
New York Public Interest Research Group

Michelle Sabatino
Executive Director
Staten Island Center for Independent
Living