

New York Coalition



For Open Government, Inc.

Advocating for timely access to information & meaningful citizen participation

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Testimony of New York Coalition for Open Government

SENATE STANDING COMMITTEE ON INVESTIGATIONS AND
GOVERNMENT OPERATIONS and ASSEMBLY STANDING COMMITTEE ON
GOVERNMENTAL OPERATIONS

Re: Authorizing videoconferencing for meetings held by the New York State Senate and Assembly under the Open Meetings Law.

Thank you for holding this important hearing, my name is Robyn Gray. I am a Board Member of the New York Coalition for Open Government.

About Us

The New York Coalition for Open Government is a nonpartisan non-profit charitable organization comprised of journalists, activists, attorneys, educators, news media organizations, and other concerned citizens who value open government and freedom of information.

Through education and civic engagement, our Coalition advocates for open, transparent government and defends citizens' right to access information from public institutions at the municipal, county, and state levels.

We believe that, if government is of the people, by the people and for the people, then it should also be open *to* the people. Government exists to serve its citizens. Access to public information should be simple. Freedom of Information Laws and the New York Open Meetings Law make access to public records a right.

When government operates openly and honestly, we, the people, can hold our elected officials accountable, fulfilling our duties as an informed citizenry. The New York Coalition for Open Government works to ensure that all people have full access to government records and proceedings on the municipal, county, and state levels. Such access fosters responsive, accountable government, stimulates civic involvement, and builds trust in government.

In December, 2023, a memo of support was generated with over 25 groups signing on in support of changes to the Open Meetings Law regarding remote participation in public meetings. Fortunately for New York, we can have both in person and remote access to public meetings. Many agencies have demonstrated this during the pandemic and up to the present. This is a workable process that benefits both public officials and members of the public who wish to watch or provide public comment.

In May, 2024, The New York Coalition for Open Government signed on again with over 25 other agencies in a Memo of Support for Assembly Bill 10266. This bill would amend the Public Officers Law and State Technology Law in reference to permitting video conferencing and remote participation in public meetings under certain circumstances and making such provisions permanent.

The memo went on to state that there is strong support for this bill, with conditions.

We strongly support allowing public bodies to hold meetings that allow both in person and remote participation by public officials as well as the public. The process of remote participation by both public bodies and the public was available during COVID and proved to be mostly successful. We need to continue to build on this effort with the appropriate checks and balances in place. One of the checks and balances is that remote participation is for good reason such as unforeseen situations, and illness. Votes taken via this method should be noted in the minutes of the meetings.

Transparency is also key, and there must be assurances that remote votes are essential and that the authorization to do so is appropriate and not frivolous.

We also support the positive changes that occurred in 2022 regarding the Open Meetings Law that included:

- Posting of all videos within 5 days of the meeting on the appropriate website. Video's to be retained for a period of 5 years with all supporting documentation.
- Meetings of the Assembly must be webcast, including committee meetings. There has been more consistency and meetings are more routinely available for viewing by the public.
- When public comment is allowed or required as in a public hearing, the public must be able to testify remotely. This allows for better participation by the public as they no longer will have to travel long distances to testify. This is cost saving to the general public as well as for public entities who can participate remotely under certain conditions.

While we believe that there is greater merit to in person meetings, we need to also embrace hybrid meetings for many reasons. In many instances, those that may need to testify and/or vote come from volunteer groups or agencies that provide no compensation for them to do so. This is a cost borne by the group or individual who will testify. By allowing remote participation, there is more participative government that includes more of the public. We embrace this concept as government is by and for the people.

Remote participation by the public should ALWAYS be possible.

Remote participation by public officials, who are being paid to do this job should be the exception, not the norm

Thank you for the opportunity to speak today. Should you have questions, please feel free to contact Paul Wolf, President at:

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