

# New York State Open Meeting Law

Keeping the Public  
Informed Through  
Transparent Execution of  
Public Business



# The Public's Right to Know

- In 1977, New York State passed the Open Meeting Law §100 (OML).
- This law ensures that the public has the right to hear and see meetings of public bodies.
  - The law defines public bodies as “entities consisting of two or more people that conduct public business and perform a governmental function for the state, for an agency of the state, or for public corporations, including cities, counties, towns, villages, and school districts. (§102(2))” (Open Meeting Law, 1977/1979)
- The Open Meeting Law identifies the rules that influence the way public bodies, including School Boards, advertise, execute, and record their work.

# What is a Meeting of a Public Body?

- When a quorum of a public body comes together and discusses public business it is considered a meeting of a public body.
- The intent to take action or manner the meeting is characterized does not exclude it from being recognized as a meeting.
- A meeting may be held in person, or by video conference. If a video conference is being used, the public must have access to the session.
- Telephone, online audio, and emails can not be used as methods of holding meetings, since they do not allow the public to see and hear the actions taking place.
- Members of the public may be invited to speak at public meetings, but are not guaranteed the right to do so under the law.

# Executive Session

In the event that a matter needs to be discussed that may cause harm to a person or corporation a public body may meet in executive session.

- All meetings must begin as an Open Meeting
- A motion may be made to leave the public meeting forum and move into executive session.
- The motion to move into executive session must be specific and align with one of eight reasons identified in the law that allows exclusion from public access. Broad motions, such as “personnel matters,” may not be used.

# Eight Reasons to Move Into Executive Session

- Matters which will imperil the public safety if disclosed
- A matter which may disclose the identify of a law enforcement agency or informer
- Information relating to current of future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed
- Discussion regarding proposed, pending or current litigation
- Collective negotiations pursuant to Article 14 of the Civil Service Law (The Taylor Law)
- The medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation
- The preparation, grading, administration of exams
- The proposed acquisition, sale or lease of property or proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereafter.

(Freeman)

# Public Notice



Public notice of all meetings must be made:

- For meetings being called with a week or more advanced planning notification must be made no less than 72 hours before the meeting takes place
- The law requires that this information including the time and place of the meeting, is given to the public and the news media
  - The law requires that the information be given to the news media, whether or not the information is published will not impact compliance with the law
  - Notice should be posted in one or more conspicuous locations. Schools often chose to use websites and school calendars as posting places.
- For meetings called with less than one weeks planning, notice must be provided "to the extent practicable"
- Agendas may be provided, but are not required under the Open Meeting Law

# Minutes Are Required

## Public Session

- Minutes should consist of a record or summary of all motions, proposals, resolutions, and any other matter formally voted upon
- Specific discussions or exchanges do not need to be included

## Executive Session

- Minutes must provide a record of summary of the final determination of action that was taken including the date and vote of the decision
- If no action is taken no minutes are required

# Ramifications for Violations

In the event that a violation has been made to the Open Meeting Law, a member of the public may take legal action:

- Members of the public may contact the Committee on Open Government to review the law, read recent court decisions, and speak to committee members about rights and procedures. (<https://www.dos.ny.gov/coog/>)
- If the court finds a violation of the law has taken place, it may rule that all actions taken during the time of the violation be voided.
- The court has the authority to order that the public body participate in training conducted by the Committee on Open Government. This training may take place during a scheduled meeting of the public body and in view of community members.
- In the event that the court finds a violation has taken place, it may require that legal fees are recovered



# Images and References

- Open Meeting Image: [www.istock.com](http://www.istock.com)
- School Board Meeting Image: <http://pgcpschools.org>
- Meeting Notice: <https://goo.gl/qMaAg8>
- Freeman, R. J. *The committee on open government*. Albany NY: New York State Bar Association.
- New York State Committee on Open Government/  
Open Meeting Law: <https://goo.gl/KZUXfh>