Town Tea: Changes to the Open Meetings Law

Release Date: October 29
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Link to Recording: https://us02web.zoom.us/rec/share/YDFhjxblInG_BPyy4_VIEqPzmbuR1NUjSOuLWK_BP0YxtDhWeKdL9-ZGH1RQ1js3.9YJ60znB6Zal8brj

- Starting November 19, 2021 public bodies must:
  - Make records that will be discussed at an upcoming meeting available to the public upon request at least 24 hours before the meeting to the extent practicable; and
  - Post records to the town website (if the town has one) at least 24 hours in advance to the extent practicable

  ***The town is not required to spend additional money to implement the website requirement

- Old law - public bodies needed to make records that would be discussed available and post them online to the extent practicable as determined by the public body.

- Public bodies = an entity with 2 or more members where you need a quorum to conduct public business, and performs a governmental function for the town (Town Board, ZBA, Planning Board, etc.)

- What's considered a record?
  - Not defined in this legislation or Open Meetings Law
  - Consider definition of record under FOIL – “any information kept, held, filed, produced or reproduced by, with or for [a town], in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes (Public Officers Law § 86)

- Practical Considerations
  - Plan ahead for your meeting! If the town uses an agenda, make sure that's set at least 24 hours in advance so you know what records to prepare
  - Town may need to redact parts of records – OML does not address this, but we recommend looking to FOIL for a general guideline of what should be redacted (it doesn't make sense that something like a social security number would be redacted under FOIL but disclosed under OML).**
**There may be some exceptions. For example, interdepartmental, internal memos are not disclosable under FOIL, but if you’re going to be discussing one at a meeting you should probably make the record available under Open Meetings Law**

- Adopt a resolution designating who is responsible for preparing and posting records
- Don’t forget about the language “to the extent practicable”
- Town is allowed to charge fees for records in accordance with FOIL