

New Law Requires Certain Records Be Made Available to the Public Prior to Open Meetings

On January 3rd, Governor Cuomo signed into law an amendment to the State's Open Meetings Law requiring local governments to make available to the public, prior to or at an open meeting, certain records which will be the subject of discussion at the meeting. The new law applies to every public body within the municipality. Specifically, public records which are already available under FOIL, in addition to any proposed resolution, law, rule, regulation, policy or any amendment, that are scheduled to be the topic of discussion by a public body at an open meeting, must be made available -- upon request -- to the public prior to or at the meeting, to the extent practicable as determined by the municipality.

This legislation does not require municipalities to provide these documents free of charge. In fact, municipalities have the option of charging a reasonable fee for such documents, consistent with current FOIL fees.

The law also requires municipalities that maintain a "regularly and routinely updated website and that utilize a high speed internet connection" to post the information on the municipal website prior to the meeting to the extent practicable, as determined by the local government.

NYCOM opposed this legislation based on the fact that we strongly believe it was unnecessary and would impose an unfunded mandate on our members. It is worth noting that at NYCOM's insistence, the law was amended prior to its enactment to include language specifically stating that a municipality *shall not be required to expend additional money* in order to comply with the law. The law (Chapter 603 of the Laws of 2011) takes effect on February 2, 2012.

Questions concerning the new law should be directed to NYCOM Counsel John Mancini at 518-463-1185 or jmancini@nycom.org.