



Testimony for Legislature’s Joint Public Hearing on Videoconferencing

*Re: Any resolution authorizing videoconferencing should be public;
Legislature should also further strengthen the Open Meetings Law*

March 1, 2023

Good morning. I am Rachael Fauss, Senior Policy Advisor for Reinvent Albany. We advocate for more transparent and accountable New York government. Thank you for the opportunity to provide testimony as the Legislature considers authorizing the use of videoconferencing by the New York State Senate and Assembly.

We urge the legislature to build on the 2022 changes to the Open Meetings Law which permitted hybrid (in-person/remote meetings) and included new requirements for public access. (See our [summary of the changes to the law](#) and how they matched our recommendations.)

We also support the Legislature passing a resolution to allow its members to participate in public meetings by videoconferencing. However, we ask that this resolution be made available for public and legislator review at least three days before it is voted on, as is required for legislation. Passage of a resolution will ensure that members are able to participate in meetings should unforeseen situations arise, such as illnesses.

Due to changes to the Open Meetings Law made in 2022, when members participate in meetings by videoconferencing, this will lead to a number of positive changes, including:

- **Meetings must be webcast, including committee meetings.** The Assembly began to webcast select meetings earlier this year.
- **Where public comment is allowed, members of the public must be able to testify remotely.** This will make public hearings much more accessible for the public, who have often been required to attend in person.
- **Video will be required to be posted within 5 days of meetings being held, and must remain online for five years.**

We hope the Legislature exceeds the minimum requirements for transparency and public access in the Open Meeting Law. Specifically, whether or not members participate remotely in public meetings, all meetings – including committee meetings –

should be webcast, and the public should always be given the opportunity to testify remotely in public hearings.

Reinvent Albany strongly supports having public bodies hold public meetings that allow both in-person and remote participation by public officials and the general public. As we [testified to the Assembly in October 2021](#) and [recommended with 14 other civic groups in March 2022](#), we believe a hybrid system has huge advantages, both making it easier for the broader public to participate in open meetings remotely and maintaining 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 people with disabilities, 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 state and local governments to stop offering remote public participation, which 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, agencies like the MTA have shown that it is possible to do both and have successfully been holding hybrid meetings since 2020.

Strengthen the Open Meetings Law

We also urge the Legislature to further improve the Open Meetings Law to ensure its requirements are workable for all public bodies. We ask that you:

- 1. Include the Governor's proposal (Part X, Article VII TED) in your one-house bills** to allow public bodies that primarily serve individuals with disabilities to meet remotely.
- 2. Close the OML loophole for public bodies that are "purely advisory."** Legislation passed in 2021 ([A924-A/S1625-A](#)) arguably created a loophole making it so that public bodies whose purposes are "purely advisory" do not have to hold open meetings. As the [Committee on Open Government pointed out](#), this appears to contradict the Legislature's intent. The Legislature should close the loophole so that all public bodies must hold open meetings, including those that serve a "purely advisory" function.
- 3. Reduce in-person requirements for hybrid meetings.** As bodies have begun implementing Open Meetings Law changes, it is clear that the in-person quorum requirement may need to be updated, as some bodies [are finding it difficult](#) to make quorum. [Reinvent Albany and other groups recommended](#) that either the presiding officer *or* a quorum of members be required to be in person for hybrid meetings. In practice, it appears that some bodies are citing local emergency orders to circumvent the quorum requirements altogether, choosing to meet fully remotely. Relaxing the in-person requirement by only requiring the

presiding officer to be in-person would help to ensure that more bodies in practice hold hybrid meetings with in-person and remote access.

For more details please see our [testimony on the general government budget](#).

Thank you for your consideration. If you have any questions, please contact Rachael Fauss, Senior Policy Advisory, at rachael [at] reinventalbany.org.