Category: Legal and Compliance Responsible Office: University Counsel	**Other Requirement Title:** Open Meeting Laws, Compliance with Document Number: 6602 Effective Date: January 01, 1977 This procedure item applies to: Community Colleges State-Operated Campuses

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Summary

The State University of New York must comply with the Open Meetings Law (Public Officers Law §§ 100–111). Therefore, meetings of committees and subcommittees of the State University Board of Trustees, the Councils of the state-operated campuses, the Board of Trustees of the State University College of Environmental Science and Forestry and the Boards of Trustees of the Community Colleges must be preceded by appropriate public notice and be open for public attendance in compliance with the requirements of the law. An executive session or private meeting may be called on the majority vote of the total membership of the subject public body for the purpose of transacting business on a limited number of subjects enumerated at §10 5 of the law.

Requirement

A. Open Meetings

A meeting is the formal convening of a public body for the purpose of officially transacting public business. A public body is an entity, consisting of two or more members, for which a quorum is required in order to conduct public business and which performs a governmental function for New York State or for an agency or department thereof, or a committee or subcommittee or similar organization of such public body. Any meeting, therefore, which adopts resolutions having official force and effect is covered by the Open Meetings Law. Even informal gatherings of public bodies to discuss public business are subject to the requirements of the Open Meetings Law whenever a quorum is present. These informal meetings, which have been variously known as work sessions, agenda sessions, conferences, organizational meetings, and the like, must be preceded by proper public notice (see below and §104) and be open to the public in the same manner as formal meetings at which voting is scheduled. Social gatherings at which business is not discussed and casual encounters by members are not subject to these requirements.

B. Executive Sessions

The Open Meetings Law does provide for the holding of executive or closed sessions, called on a majority vote of the total membership of the public body, to discuss or act on the following enumerated subjects: 1) matters which may imperil public safety if disclosed; 2) matters which may disclose the identity of a law enforcement agent or informer; 3) information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed; 4) proposed, pending or current litigation; 5) collective bargaining negotiations; 6) personnel decisions or the medical, financial credit or employment history of a particular person or

corporation; 7) the preparation, grading or administration of examinations; and 8) real property transactions or the proposed acquisition of securities, or sale or exchange of securities, where publicity would substantially affect the value.

The procedures for the conduct of executive sessions are found at §105 of the Public Officers Law.

C. Exemption from Open Meetings Law

Section 108 (3) of the Public Officers Law exempts from the provisions of the Open Meetings Law any matters made confidential by federal or state law.

D. Public notice

Public notice of meetings scheduled at least one week in advance must be given to the news media and must be conspicuously posted in one or more designated public locations at least 72 hours before the meeting. Public notice of every other meeting must be given to the news media and conspicuously posted within a reasonable time before the meeting.

E. Minutes

The requirements for minutes at open meetings are described at §106 of the Open Meetings Law.

Minutes taken at open meetings must consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.

Minutes of executive sessions shall consist of any action that is taken by formal vote. These minutes need consist only of a record or summary of the final determination of the action voted upon, the date and the vote thereon. These minutes need not show any matter which is not required to be made public under the Freedom of Information Law. Accordingly, the debate leading to the formulation of the final position adopted by resolution need not be recited.

Minutes must be made available within two weeks from the date of an open meeting and within one week of the date of an executive session.

F. Enforcement

The Open Meetings Law provides that an aggrieved party may enforce the statute by bringing an appropriate action in the courts. Upon good cause shown, the court may declare void any action taken by a public body in a meeting which fails to conform to the requirements of the law.

Definitions

Meeting – the official convening of a public body for the purpose of conducting public business, including the use of videoconferencing for attendance and participation by the members of the public body.

Public body – any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the New York State or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law , or committee or subcommittee or other similar body of such public body.

Executive session – any portion of a meeting not open to the general public.

Related Procedures

There is no related procedures relevant to this requirement.

Forms

There are no forms relevant to this requirement.

Other Related Information

The following links to FindLaw's New York State Laws are provided for users' convenience; it is not the official site for the State of New York laws.

NYS Public Officers Law §100-111 (Open Meetings Law)

NYS General Construction Law §66 (Definitions)

In case of questions, readers are advised to refer to the New York State Legislature site for the menu of New York State Consolidated.

NYS Department of State Committee on Open Government

Memorandum to presidents from the office of the university counsel and vice chancellor for legal affairs dated August 29, 1979 outlined amendments to the Open Meetings Law (Article 7 of the Public Officers Law), which was effective October 1, 1979, and resulted in several changes affecting the work of committees and subcommittees and the conduct of executive sessions of public bodies.

Memorandum to presidents from the office of the university counsel and vice chancellor for legal affairs dated December 29, 1978 stated that a decision of the state's highest court (Orange County Publications v. Council of the City of Newburgh) has made clear that informal gatherings of public bodies to discuss public business, whenever a quorum is present, are subject to the requirements of the Open-Meetings Law.

Memorandum to presidents from the office of the university counsel and vice chancellor for legal affairs dated November 12, 1976 regarding the new Open Meetings Law, effective on January 1, 1977, which applies to the State University Board of Trustees, College Councils and Boards of Trustees of Community Colleges.

Appendicies

There are no appendicies relevant to this requirement.