STATE OF NEW YORK
DEPARTMENT OF STATE
COMMITTEE ON OPEN GOVERNMENT

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December 13, 1985

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> **"It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy. The people must be able to remain informed if they are to retain control over those who are their public servants. It is the only climate under which the commonweal will prosper and enable the governmental process to operate for the benefit of those who created it."**

The language quoted above is the first section of the Open Meetings Law, its "Legislative Declaration" (Public Officers Law, Article 7, section 100).

Many have questioned whether the declaration continues to be meaningful in view of an amendment to the Law enacted in May of this year that permits "political caucuses" to be closed. Since the initial enactment of open government laws, the Freedom of Information Law in 1974 and the Open Meetings Law in 1976, no single event has resulted in more controversy or editorial comment than the passage of the amendment.

The 1985 amendment enables a majority of members of local legislative bodies who are adherents of the same political party to discuss virtually all issues that come before them in private before any public disclosure of information regarding the issues. Thereafter, its public response to an issue might involve only a rubber stamping of a consensus reached during a closed caucus. Further, since the caucuses are completely exempt from the Law, there is no requirement that notice be given or minutes be taken. Therefore, deliberations leading to decisions can be conducted in private in their entirety.

Since its enactment, the Open Meetings Law has always exempted political caucuses from its provisions. The question that arose involved whether a majority of the members of a public body representing a single political party could cite the exemption to hold a political caucus <u>when discussing public business</u>. The answer initially was provided in 1980 by the Supreme Court, Monroe County, in <u>Sciolino v. Ryan</u> [431 NYS 2d 664]. In brief, the Court found that the exemption for political caucuses applied only to discussions of purely political party business, and that discussions of public business by a majority of members of a public body representing one political party fell outside the scope of the exemption and constituted a "meeting" subject to the Open Meetings Law.

The Appellate Division, Fourth Department, unanimously affirmed the decision, holding that:

> "[A]n expansive definition of a political caucus, as urged by respondents, would defeat the purpose of the Open Meetings Law that public business be performed in an open and public manner (Public Officers Law, section 95), for such a definition could apply to exempt regular meetings of the Council from the statute. To assure that the purpose of the statute is realized, the exemption for political caucuses should be narrowly, not expansively, construed. The entire exemption is for 'deliberations of political committees, conferences and caucuses" (Public

> Officers Law, section 103, subd 2), indicating that it was meant to prevent the statute from extending to the private matters of a political party, as opposed to matters which are public business yet discussed by political party members. To allow the majority party members of a public body to exclude minority members, and thereafter conduct public business in closed sessions under the guise of a political caucus, would be violative of the statute" [81 AD 2d 475, 479 (1981)].

Several later decisions interpreted the Law in the same manner as Sciolino.

Nothwithstanding the uniformity of the judicial decisions, in the legislation containing the recent amendment concerning political caucuses that is now part of the law, it was stated that the courts misinterpreted the intent of the Legislature when it originally passed the law in 1976. The Law as amended states that:

> "for purposes of this section, the deliberations of political committees, conferences and caucuses means a private meeting of members of the senate or assembly of the state of New York, or the legislative body of a county, city, town or village, who are members or adherents of the same political party, without regard to (i) the subject matter under discussion, including discussions of public business, (ii) the majority or minority status of such political committees, conferences and caucuses or (iii) whether such political committees, conferences and caucuses invite staff or guests to participate in their deliberations..."

It is noted that two bills concerning political caucuses were introduced. One would have pertained only to caucuses held by the Senate and the Assembly. The bill that became law pertains to municipal legislative bodies, as well as the Senate and the Assembly.

In the Committee's view, the 1985 amendment simply makes it too easy for a public body (or a majority of its members) to exclude the public from its most significant deliberations. Further, even though reports of political caucuses have been few, it is difficult, if not impossible, to know when closed caucuses occur, for they are "exempt" from the Law. The procedural requirements otherwise applicable to meetings (i.e., notice, motions prior to entry into executive sessions, minute taking) are completely absent if and when political caucuses are conducted.

Moreover, distinctions can be made between the State Legislature and legislative bodies with similar functions at the local government level. Perhaps most significant is the fact that the State Legislature is bicameral. Any legislation, before it is passed, must be printed and made public, for at least three days, pursuant to the State Constitution, before action can be taken. The legislation is reviewed by committees in the Senate and the Assembly during open meetings, and then, potentially, by both houses of the Legislature. Further, the two houses of the Legislature often engage in a "debate" regarding an issue, either on the floor or elsewhere. As such, the public has an opportunity to know that an issue has come before the State Legislature.

Also important is the fact that the activities of the State Legislature are followed by dozens of members of the news media who have the capacity to learn about legislation and report to the public. In addition, the public can express its views to the Governor prior to his action. Therefore, there are at least five opportunities, and often more, to express concern before legislation is enacted. At the local level, there may be none before action is taken.

In terms of the closed caucuses of the State Legislature, because it is bicameral, it has been contended that an open caucus of either house might telegraph the strategy of one house to the other. The impact of that type of disclosure is particularly significant since the two houses of the Legislature are led by opposing political parties.

At the local government level, all legislative bodies are unicameral. The opportunity for debate or public knowledge of the issues may not exist, for a local legislative body might deal with an issue only once, and it need not disclose the substance of its proposed action prior to the taking of action. Moreover, many local legislative bodies are dominated by one political party. Dozens consist of members representing the same political party.

Recognizing the impact of the 1985 amendment and the importance of open government, public bodies across the state have spontaneously opted to conduct their business as they did prior to the 1985 amendment. They have adopted resolutions that indicate their authority to conduct closed political caucuses, but their intent to reject the authority to do so.

In short, in view of the past practices of the State Legislature, and the manner in which the Senate and Assembly carry out their duties, the change in the Law has virtually no impact upon the State Legislature. The capacity of the public and the news media to obtain information from the State Legislature remains as it was prior to the amendment. The impact upon local legislative bodies, however, is significant, for it is now possible that the deliberative process, from beginning to end, can be legally closed, except for a final public vote that merely ratifies decisions effectively made behind closed doors.

If indeed the 1985 amendment represents an effort to clarify the original intent of the Law, the Committee believes that such an intent is inconsistent with the legislative declaration set forth at the beginning the Law. Since the Open Meetings Law became effective in 1977, many public bodies have learned to live with both the letter and the spirit of the Law. Many public bodies have learned that the Open Meetings Law is beneficial. Undoubtedly, government often deals with difficult problems. Often there is no clearly correct course of action to be taken. By deliberating in public and enabling the public to know that the tasks of government are difficult and complex, the public better appreciates the job that government must perform.

Although the amendment has clouded the Law, we believe that the Appellate Division, Second Department, in a decision later unanimously affirmed by the Court of Appeals was correct in its view that the Open Meetings Law was:

> "intended to include more than the mere formal act of voting or the formal execution of an official document. Every step of the decision-making process, including the decision itself, is a necessary preliminary to formal action. Formal acts have always been matters of public record and the public has always been made aware of how its offi-

> cials have voted on an issue. There would be no need for this law if this was all the Legislature intended. Obviously, every thought, as well as every affirmative act of a public official as it relates to and is within the scope of one's official duties is a matter of public concern. It is the entire decision-making process that the Legislature intended to affect by the enactment of this statute" [Orange County Publications v. Council of the City of Newburgh, 60 AD 2d 409, 415, affirmed 45 NY 2d 947 (1978)].

Perhaps the most direct method of reaffirming the principles of the Open Meetings Law would be repeal of the amendment concerning political caucuses. Short of repeal, the Committee believes that the Legislature should reconsider the amendment, particularly as it affects local government.

In the next section of this report, the Committee will recommend legislation that balances considerations expressed by the Legislature in the amendment and complaints that the amendment permits too much public business to be conducted in private.

LEGISLATIVE RECOMMENDATIONS

I. OPEN MEETINGS LAW

A. Political Caucuses

It is noted at the outset that, having reviewed numerous open meetings statutes enacted in other jurisdictions, as well as dozens of law review articles, there is no state statute that deals with political caucuses as expansively as the Committee seeks to do by means of its recommendation.

The recommendation represents a compromise, and an effort to attain a reasonable solution to the problem -- ensuring open government while giving effect to the Legislature's indication of its intent. Several issues have arisen in conjunction with the problem.

What is a "Political Party"?

While many areas of "conduct" or discussion involve what might be characterized as "politics" or political issues, for purposes of the Open Meetings Law, "political" should pertain to partisan political activities, i.e., those of or a relating to political "party". Particularly in small municipalities, there may be a profusion of political parties. For instance, rather than running a slate under the aegis of the Republican or Democratic parties, there is often something like a "citizens party", a "good government party" or the like. Questions have arisen concerning the status of "parties" that operate within a single municipality. Having discussed the matter with many, including a representative of the Board of Elections, it is the consensus that the unique "parties" that may have been created in but one municipality are not "political" parties. The more widely accepted version of a political party is that described in the Election Law. Specifically, section 1-104(3) of the Election Law states that:

> "The term 'party' means any political organization which at the last preceding election for governor polled at least fifty thousand votes for its candidate for governor."

To avoid a problem of interpretation, the Law should specify that the phrases "political caucus" or "political party" should be construed to have the same meaning as that appearing in the Election Law.

Parameters of a "Political Caucus"

Obviously, by its action, the Legislature intended to indicate that considerations of public business and political party business are not mutually exclusive. Even under the case law that was effectively reversed by the amendment, it was clear that some discussions by party members, i.e., those involving purely political party business, fell outside the scope of the Open Meetings Law.

It is the Committee's goal to bring discussions of purely public business back into the Open Meetings Law and to place the burden of defending secrecy, at least in some instances, onto the political party members of a public body when they discuss public business. Concurrently, there is an intent to permit adherents of one political party who serve on a public body to hold closed caucuses under certain circumstances.

The Committee believes, first, that it is unreasonable to enable certain members of public bodies to exclude the public from their discussions solely because they happen to serve one political party. And second, the result of the amendment and therefore, the problem, is that party members who represent a majority of a public body can legally meet in private without any public knowledge of the fact of the gathering.

The issue, therefore, involves where and how appropriate lines of demarcation might be drawn, based upon considerations of reasonableness, between a political caucus that can be closed and an open meeting.

Provisions concerning the deliberations by public bodies relative to political caucuses can be divided into three areas of discussion.

One is a discussion of purely public business in which no political party issues of party strategy or party position arise. While members of a legislative body representing a political party may now hold a closed "political caucus" to discuss any aspect of public business, the Committee believes that those kinds of discussions should always be subject to the Open Meetings Law.

The second would involve the other extreme, a discussion of purely political party business, such as nomination of candidates, fund-raising and similar activities that solely pertain to a political party. Those kinds of activities have always been exempt from the Open Meetings Law and, in the Committee's view, should remain outside the scope of the Law.

The third, the most difficult area, pertains to the "hybrid" type of discussion which involves political party strategy or the development of a political party position in relation to matters of public business that come before a public body. A definition of "political caucus" should incorporate reference to political party position and/or political party strategy. In the Committee's view, those references would give effect to the Legislature's stated intent to enable party members to confer in private.

Public Bodies Served by One Party

An issue that arises frequently concerns the situation in which a public body is served by members of one political party only. Can a closed political caucus be justified when no minority party is represented on a public body? While it has been contended that all of its deliberations concerning the business of the municipality that it serves should be open, there may be situations in which a public body served by one political party might desire to discuss its political party strategy vis a vis the strategy or position of a different political party that heads another municipality. For instance, a town board consisting of members of one political party might engage in a discussion of political party strategy regarding a position that it seeks to adopt in relation to an issue before both the town board and a county legislature that has a majority of members of a different party. In that limited circumstance, perhaps a closed caucus would be justified.

But what if an issue arises that has no relationship to any other public body or political party? Is the issue then one of purely public business rather than political party business? Stated differently, if an issue pertains to the business of a public body, and if there is no opposing political party view, can a closed caucus ever be justified? In the Committee's opinion, the answer should be in the negative.

A Rebuttable Presumption of Openness

The Committee believes that the Open Meetings Law, to be effective, should be based upon a general presumption of openness. Throughout judicial interpretations of open government statutes, it has been determined that exceptions to rights of access should be construed narrowly and that provisions guaranteeing openness should be construed liberally. While we believe that most public bodies act in good faith and give effect to the principles that motivated enactment of open government laws, a statutory statement should appear that reaffirms that the Open Meetings Law is based upon a presumption of openness.

Based on the Committee's research of other statutes, New York can take advantage of useful precedents. For instance, the definition of "meeting" in the Wisconsin Open Meetings Law refers to a "rebuttable presumption" of openness when "one-half or more" of the members of a public body convene. The notion of a rebuttable presumption lends itself well to remedial legislation. It should be presumed that a convening of a majority of a public body for the purpose of conducting public business is a "meeting" subject to the requirements of the Open Meetings Law. However, as it relates to political caucuses, the presumption might be rebutted if it can be demonstrated that a gathering involves a discussion of political party position or political party strategy.

Caucuses as part of, not exempt from, the Open Meetings Law

As noted earlier, one of the problems concerning the 1985 amendment is that a political caucus is "exempt" from the Open Meetings Law; none of the requirements of the Law apply. The other vehicle in the Law under which a meeting may be closed is an "executive session", which is defined as a portion of an open meeting during which the public may be excluded. Certain procedural steps must be accomplished by a public body, during an open meeting, before an executive session may be held [see Open Meetings Law, section 105(1)]. In addition, minutes of an open meeting must include reference to a motion to enter into an executive session. In contrast, a political caucus can be held wholly in secret, and outside any of the notice or minute taking requirements.

In conjunction with the preceding description of three types of discussions that might be held by legislative bodies, the "all public business", the "all political party business" and the "hybrid" types of discussions, all of which may now legally be conducted in closed political caucuses, the first and third (the "all public" and "hybrid") could be brought within the Open Meetings Law and dealt with in a manner similar to executive sessions. For example, during a meeting the members of a public body representing a political party might vote during the meeting to hold a caucus to discuss party strategy or position as a political party, as an entity within the public body, in relation to a matter of public business that is before the public body (the "hybrid"). At the end of the caucus, the open meeting could be resumed.

Under this aspect of the proposal, which would apply only to local legislative bodies, party members serving on a legislative body could discuss party strategy or position in private. However, unlike the current law, which permits a caucus to be held without public knowledge of the fact of the gathering, such a caucus would be held as part of an open meeting.

This solution would negate necessity of a practice that arose before the caucus amendment was enacted. Prior to the amendment, the courts held in essence that the convening of a majority of the membership of a public body for the purpose of discussing public business constituted a "meeting" rather than a political caucus. In some instances, in order to avoid the presence of a majority, members broke into two groups, each constituting less than a quorum.

Another issue that arose prior to the amendment involved the unequal treatment of majority and minority caucuses. The majority, under the court decisions, had to meet in public to discuss public business; the minority, since it represented less than a quorum, could always meet outside the scope of the law. The proposal, however, treats minority and majority caucuses of local legislative bodies equally.

Further, the procedural requirements concerning local legislative bodies need not be applied to the State Legislature for the reasons described earlier concerning the distinctions between the manner in which the Senate and Assembly operate, as opposed to the operation of local legislative bodies.

In sum, in an effort to reach a reasonable compromise, the Open Meetings Law should be amended to contain several components, including:

1. An exemption from the Law concerning discussions of purely political party business

2. a new section of the Law that

   - redefines "political caucus"
   - incorporates the definition "political party" appearing in the Election Law
   - brings some political caucuses within the framework of the Open Meetings Law
   - establishes a rebuttable presumption of openness
   - requires a vote by party members during an open meeting to discuss party position or strategy relative to the business of the public body

To include those features in the Law, the Committee recommends that a new section 105-A concerning political caucuses be added:

Section 105-A. Political Caucuses

"1. When at least a majority of the total membership of a legislative body convenes, such a gathering is rebuttably presumed to be a meeting held for the purpose of conducting public business.

2. As used in this article, 'political caucus' means a gathering of members of the Senate or Assembly of the state of New York, or of the legislative body of a county, city, town or village, who are members or adherents of one political party, as defined by subdivision three of section 1-104 of

the Election Law, for the purpose of discussing political party strategy or political party position in relation to the responsibility, authority, powers or duties of such legislative body.

3. Upon a majority vote of the members of a political party who serve on a legislative body, taken in an open meeting pursuant to a motion identifying the general area of the subject to be considered, a political caucus may be held, during which the public and other members of the legislative body may be excluded. Following a political caucus, a meeting of the legislative body shall be resumed.

4. Nothing in this article shall be construed as extending to discussions of purely political party business, such as nomination of candidates, fund-raising activities of a political party, and similar partisan matters.

5. The provisions of subdivision three of this section shall not apply to the Senate or Assembly of the State of New York.

B. Recording, Broadcasting or Photographing Meetings

The Committee believes that the ability to disseminate information obtained at open meetings is basic to the concept of open government. The broad availability and use of recording equipment, cable television, and particularly public access TV, can enhance the public's right to know. The Open Meetings Law should be amended to assure that advances in technology may be used to realize the intent of the Law.

A recent Appellate Division decision confirms the Committee's view that the unobtrusive use of tape recorders cannot be prohibited, notwithstanding restrictions established by public bodies. Citing its agreement with an opinion of the Committee and the Attorney General, as well as other judicial decisions, the Court found that a school board "offered no justifiable basis for prohibiting the use of unobtrusive, hand held tape recording devices at its public meetings" (Mitchell v. Board of Education of Garden City Union Free School District, App. Div., Second Department, NYLJ, October 3, 1985). The Court added that "While Education Law section 1709(1) authorizes a board of education to adopt by-laws and rules for its government and operation, this authority is not unbridled." As such, the Court annulled the board's rule prohibiting the use of tape recorders at its meetings.

With regard to televising and broadcasting, the capacity to do so in the Senate and Assembly has been governed by statute (Civil Rights Law, Section 52) for more than 30 years. There is no general statute, however, that governs the use of broadcast equipment at meetings of public bodies.

The following recommendation, which was approved by the Assembly in February of 1985 (A.1613), is intended to give effect to the intent of the Open Meetings Law by permitting recording, televising and broadcasting at open meetings of public bodies in a non-disruptive manner. Specifically, a new subdivision (c) would be added to section 103 of the Law, stating that:

> "(1) At any meeting of a public body that is open to the public, the deliberations may be recorded or broadcast.
>
> (2) A photographer or broadcaster and its personnel, or a person recording the proceedings, shall be required to handle the photographing or broadcast recording as inconspicuously as possible and in such manner as not to disturb the proceedings of the public body. As used herein the term 'broadcasting' shall include the transmission of visual and audible signals by cable.

> (3) A public body may adopt rules governing the non-disruptive and reasonable use of recording, photographing or broadcasting equipment, but in the absence of the adoption of such rules and regulations by the public body prior to the meeting, such recording, photography or the use of such radio and television equipment shall be permitted as provided in subparagraphs (1) and (2)."

The Committee believes that advances in technology and the widespread use of cable and public access television should be recognized to enhance the public's capacity to hear and observe the deliberations of public bodies.

C. Enforcement of the Law - A Loophole

Previous reports of the Committee recommended amendments to the Open Meetings Law based upon a "potential loophole" in the Law regarding its enforcement. In view of judicial interpretations of the Law, the "potential loophole" has become real. The Committee's recommendations for the past two years have resulted in legislation introduced at the request of the Governor. Although the legislation has been introduced twice (most recently as A. 5856), it has not been approved.

Section 107(1) of the Open Meetings Law provides in part that:

> "[A]ny aggrieved person shall have standing to enforce the provisions of this article against a public body by the commencement of a proceeding pursuant to article seventy-eight of the civil practice law and rules, and/or an action for declaratory judgment and injunctive relief. In any such action or proceeding, the court shall have the power, in its discretion, upon good cause shown, to declare any action or part thereof taken in violation of this article void in whole or in part."

Stated differently, if a public body takes action behind closed doors illegally, a court may declare the action null and void.

But what if a public body deliberates toward final action behind closed doors in violation of the Law, and later takes "action" during an open meeting. In such a situation the deliberative process, which is at the heart of the Open Meetings Law, might be closed in violation of the Law, but there may be nothing to invalidate if "action" is taken during an open meeting. To avoid the most significant penalty that may be imposed under the Law, a public body might deliberate secretly in violation of the Law but escape the penalty by taking action in public.

Judicial decisions indicate that a public body is not subject to invalidation of its action when the Law may be violated during a series of closed meetings held for the purpose of discussion only, but when "action" is taken later at an open meeting [see Woll v. Erie County, 83 AD 2d 792 and Dombroske v. West Genesee Central School District, 462 NYS 2d 146 (1983)].

The Committee believes that meetings held in violation of the Open Meetings Law during which the groundwork is laid for future action taints the action and flies in the face of the Law.

Therefore, the Committee recommends that the first paragraph of section 107(1) of the Law be amended as follows:

> "[A]ny aggrieved person shall have standing to enforce the provisions of this article against a public body by the commencement of a proceeding pursuant to article seventy-eight of the civil practice law and rules, and/or an action for declaratory judgment and injunctive relief. In any such action or proceeding, the court shall have the power, in its discretion upon good cause shown, to declare any action or part thereof [taken in violation of this article] void in whole or in part when any portion of a meeting required to be open was closed in violation of this article" (bracket indicates language to be deleted from existing law; underline indicates new language).

D. A Deterrent to Violations

The Committee believes that the great majority of public bodies attempt to comply with the Open Meetings Law, and that most violations occur not due to an intent to violate the law, but rather due to a lack of familiarity with its provisions. Nevertheless, the Committee has received reports of patterns of violations of the law, as well as attitudes that tend to invite controversy and, potentially, litigation.

If a lawsuit is initiated under the Open Meetings Law, section 107(2) of the law permits a court to award attorney's fees to the successful party. However, even if attorney's fees are awarded, those fees are payable by the agency or the unit of government that was involved in the lawsuit. Therefore, taxpayers' money is expended in an award of attorney's fees arising out of a violation of the Open Meetings Law.

As indicated in the previous proposal, if a public body inappropriately enters into an executive session but takes action in public, the most severe penalty that may be imposed can be avoided. Further, the law currently states that action taken in violation of the law may be nullified upon "good cause shown". Often an event may have occurred so long ago that nullification may be all but impossible, or perhaps unreasonable. For example, reports have been received by the Committee regarding the process by which budgets are reviewed and their contents determined. Even if the discussions transpired in violation of the Open Meetings Law, the Committee believes that a court would not likely overturn a budget that was adopted months or perhaps years ago.

In short, it is the contention of many that the existing enforcement provisions of the Open Meetings Law do not adequately deter public bodies from engaging in violations of the law. Some have suggested that criminal penalties should be imposed; others believe that removal from office would represent appropriate action for violating the Open Meetings Law. It is emphasized that various open meetings statutes in other states include provisions for fines or jail terms, or both. According to a study prepared by the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota, twenty-two states' open meetings laws include provisions regarding such penalties.

While the Committee feels that existing enforcement mechanisms are inadequate, criminal penalties or removal from office would in its view be unduly draconian. Perhaps the experience of a neighboring state, however, could serve as a useful precedent.

Specifically, under the Connecticut Open Meetings Law, members of public bodies may be fined for violations. It appears that the imposition of a fine serves as a deterrent to further violations not only on the part of members of a public body against whom a fine was imposed, but also with respect to members of public bodies in neighboring communities. In an article appearing in the Hartford Courant on October 2, 1983, which concerned a review of open government laws on the eighth anniversary of the Connecticut Freedom of Information Commission, one comment was that if a board "gets slapped with a reprimand or a fine and it lands on the front page of the Podunk Daily News, the word spreads."

The Committee in 1983 and 1984 recommended that a similar provision be added to the Open Meetings Law in New York. Those proposals were also introduced at the request of the Governor in the same bill as that to which reference was made earlier. It is emphasized that the proposed language if enacted would in no way automatically result in a fine in the event of a violation. It would not pertain to situations in which violations may be minor or questionable. On the contrary, it would deal with situations in which violations are continual or blatant. As such, if public bodies seek to comply with the Open Meetings Law in good faith, the proposed legislation involving a possible fine would not be applicable.

Section 107(2) of the Open Meetings Law has since 1977 stated that:

> "[I]n any proceeding brought pursuant to this section, costs and reasonable attorney fees may be awarded by the court, in its discretion, to the successful party."

It is recommended that section 107(2) be amended as follows:

> "[I]n any proceeding brought pursuant to this section, costs and reasonable [attorney] attorney's fees may be awarded by the court, in its discretion, to the successful party. In addition, if the court finds that the public body or any of its members engaged in a pattern of violations or a flagrant disregard of this article, it may impose a fine of up to one hundred dollars payable by each member who knowingly or intentionally engages in such violation, notwithstanding any provision of law to the contrary regarding indemnification of such member."

The Committee believes that the proposal would enhance compliance with the Open Meetings Law and serve to make members of public bodies more aware of their legal responsibilities. Concurrently, the proposal would likely bolster public confidence in their government representatives.

E. Records Discussed at Meetings

Many members of the public have brought to the attention of the Committee a frustrating situation that relates to discussions at meetings and access to records. Often a public body will review and discuss a particular record at an open meeting, but the record may not be available or distributed to people attending the meeting. For instance, a board in reviewing its expenditures might refer to an item appearing on "page 3, line 6". While that information is referenced at a meeting, the public may be unaware of the contents of the record that is the subject of the discussion. Therefore, although the meeting is open, the public is unable to know of what the discussion specifically concerns.

In addition, it is possible that a record may be denied under the Freedom of Information Law, but that discussion of the record must be conducted during an open meeting. For instance, if a school superintendent writes a memorandum suggesting changes in the curriculum, the memorandum may be considered advisory. Therefore, it could be withheld under the Freedom of Information Law [section 87(2)(g)]. Nevertheless, when the school board initiates a discussion of proposed changes in curriculum, there would be no basis for entry into an executive session.

To enhance the public's right to observe the decision-making process, it is recommended that, with certain exceptions, a record that is the subject of a discussion at an open meeting should be available to the public at the time of the meeting.

Exceptions would arise concerning discussions that might have been precipitated by individuals whose privacy might be infringed if records including their identities are disclosed. If a member of the public submits a complaint about a particular issue or problem, it has been advised in similar situations under the Freedom of Information Law that the identity of a complainant may be deleted from the record on the ground that disclosure would result in "an unwarranted invasion of personal privacy". There may also be situations in which records reviewed by public body are confidential by statute. If a school board seeks to discuss its policy concerning student discipline, it may, for purposes of background, review records pertaining to particular students that are confidential under federal law [see Family Educational Rights and Privacy Act, 20 USC section 1232g]. The ensuing proposal would balance an expectation of personal privacy with the public's right to be informed of the deliberative process of government. Therefore, it would not make all records reviewed by public bodies at open meeting automatically accessible; it would, however, give effect to considerations of personal privacy as well as matters made confidential by statute.

The Committee recommends that a new subdivision be added to section 103 of the Open Meetings Law as follows:

> "A record that is the subject
> of a discussion conducted by
> a public body at an open meet-
> ing shall be available to the
> public, to the extent practi-

cable, prior to or at the beginning of the meeting during which such record is discussed, except that such record may be withheld to the extent that disclosure would constitute an unwarranted invasion of personal privacy or when the record is specifically exempted from disclosure by state or federal statute as described in subdivision two section eighty-seven of this article."

II. FREEDOM OF INFORMATION LAW

A. Attorney's Fees

For several years, the Committee recommended legislation similar to the federal Freedom of Information Act that would enable a court to award attorney fees to a member of the public who successfully challenged a denial of access to records by an agency. Legislation on the subject was passed by both houses in 1980 and 1981, but was vetoed. In 1982, however, similar legislation was approved that permits a court to award attorney fees under specified conditions.

In the interest of fairness, the Committee believes that a court should be given broader discretionary authority to award attorney fees when government withholds records.

Section 89(4)(c) of the Freedom of Information Law, which pertains to proceedings initiated under the Freedom of Information law, currently states that:

> "[T]he court in such a proceeding may assess, against such agency involved, reasonable attorney's fees and other litigation costs reasonably incurred by such person in any case under the provisions of this section in which such person has substantially prevailed, provided, that such attorney's fees and litigation costs may be recovered only where the court finds that:
>
> i. the record involved was, in fact of clearly significant interest to the general public; and
>
> ii. the agency lacked a reasonable basis in law for withholding the record."

In the Committee's view, the conditions that must be met are unnecessarily restrictive, particularly in view of judicial interpretations of the Freedom of Information Law.

First, as indicated earlier, the committee has long advised and t he courts have confirmed the principle that accessible records should be made equally available to any person, without regard to status or interest. Whether a record sought is of "clearly significant interest to the general public" or perhaps to a single individual is of no relevance with respect to rights of access. In short, since the Freedom of Information Law grants access to all records, except those listed as deniable, the only question raised by an agency in receipt of a request involves the extent, if any, to which the records sought fall within one or more of the grounds for denial. Therefore, the Committee recommends that section 89(4)(c) of the Law, which requires that a court determine that a record was "of clearly significant interest to the general public" be removed.

Second, in William J. Kline and Son, Inc. v. Fallows, [478 NYS 2d 524 (1984)], a different type of problem arose which, in the opinion of the Committee, led to an unreasonable result. The petitioner requested and was denied access to records. Following an appeal, the denial was upheld. Under those circumstances, an applicant may either consider the matter to be ended or seek judicial relief by initiating a proceeding under Article 78 of the Civil Practice Law and Rules. Judicial proceedings are often costly and time consuming. it is likely that many do not initiate suits, due in great measure to the cost of bringing an action.

In Kline, a suit was initiated, but the agency disclosed the records sought before the court heard arguments. Since the controversy was considered moot, the court found that the applicant did not "substantially prevail." Therefore, the court held that attorney fees could not be awarded. The Committee believes that it is unfair to preclude an award of attorney fees under such circumstances in view of the expenditures of time and money incurred by a petitioner who might otherwise substantially prevail.

Consequently, the Committee recommends that the following language replace the existing provision:

> "The court in such a proceeding may assess, against such agency involved, reasonable attorney's fees and other litigation costs reasonably incurred by such person where the court finds that:

> i. such person has substantially prevailed and the agency lacked a reasonable basis in law for withholding the record; or
>
> ii. the record is substantially disclosed following the initiation of such proceeding but prior to a judicial determination."

It is emphasized that the proposal would continue to provide a court with discretion to award attorney fees, rather than a requirement that attorney fees be awarded. Further, it is intended to enable to treat both government and the public fairly. If a person substantially prevails in a judicial proceeding, attorney fees would not be awarded where the agency's denial was based upon good faith and a reasonable interpretation of the Law. Concurrently, the recommendation would enable a court to award attorney fees where the records should have been made available and the applicant had no choice but to initiate a judicial proceeding to assert rights granted by the Law.

B. Arbitration by the Committee

Since its creation in 1974, the Committee has had the authority to advise with respect to the statutes within its jurisdiction. Although its advisory opinions are often persuasive and have been widely sought, the Committee has no authority to make any kind of binding determination.

Proposals have been made in the past to enable the Committee to bring suit under the Open Meetings Law. No similar proposals have been offered relative to the Freedom of Information Law or Personal Privacy Protection Law. From our perspective, the authority of the Committee to initiate suit would be of questionable benefit.

The Committee and its staff have become resources for government and the public. In many instances, if a representative of government contacts the Committee, a problem may be solved before it arises, thereby negating the necessity of litigation. Should the Committee be given the power to sue, it is our view that the relationship between the Committee and government would change. Rather than serving as an impartial source of advice, it is possible that the Committee

would become an adversary. Agencies might no longer seek its advice, for a disagreement could result in the initiation of a lawsuit by the Committee against an agency. We believe that the primary reason for the success of the Committee is its impartiality coupled with its authority to provide advice to any person or agency. Should the Committee be given the power to sue, it is likely that an adversarial and, therefore, potentially detrimental relationship with agencies would arise.

Reference has also been made to the Connecticut Freedom of Information Commission, which has quasi-judicial authority. In brief, if there is a complaint arising under the state's freedom of information law, the Commission, like a court, has the authority to issue a ruling. However, the ruling by the Commission may be challenged in court. Moreover, although the Connecticut Commission has a substantial staff and a budget many times larger than that of the Committee, there is often a a backlog of several months before a hearing can be held. As a consequence, access is delayed until the Commission renders a determination. Further, as indicated above, a determination made by the Commission may be challenged, thereby starting what may be lengthy judicial proceedings. Since Connecticut has approximately one-fifth the population of New York and since Hartford is no more than an hour away from any point in the State, it is difficult to estimate what the cost of a similar program in New York might be.

In short, the Committee does not feel that either the power to sue or the authority to render quasi-judicial determinations would be appropriate in New York.

A middle ground between the quasi-judicial authority and the Committee's present role would involve the capacity to arbitrate, perhaps on a limited or experimental basis. Arbitration as a method of resolving disputes could enhance compliance with law, and avoid costly and time consuming litigation. If there is a dispute regarding access to records arising under either the Freedom of Information or Personal Privacy Protection Laws, perhaps the Committee could, with the consent of both the applicant for records and the agency maintaining the records, hear arguments and arbitrate as a means of resolving the dispute. A necessary new element in terms of the Committee's role would be the capacity to review records _in camera_ in an arbitration. Absent an agreement to submit the dispute to arbitration, the remedies available under Article 78 would continue to apply.

A determination made as the result of arbitration would be considered binding upon the parties. Otherwise the process by which a dispute is finally resolved could be lengthened rather than shortened, for arbitration, as in the Connecticut situation, might merely represent an extra step or delay prior to the commencement of a lawsuit.

The Committee does not believe that arbitration could work successfully under the Open Meetings Law. Without being present at a meeting or an executive session, it is all but impossible to know what transpired. Under the Freedom of Information or Personal Privacy Protection Laws, however, controversies generally deal with rights of access to records, which are tangible and can be reviewed.

If the concept of arbitration is accepted, it should apply to issues arising under both the Freedom of Information Law and the Personal Privacy Protection Law since those laws are closely related. One of the exceptions in the Privacy Law that permits an agency to disclose records would involve a finding that the records are accessible under the Freedom of Information Law. As such, in many instances, an issue can be decided only by viewing the provisions of those two statutes.

In sum, the Committee believes that a review procedure, short of a court proceeding, should be considered for the purpose of resolving disputes which arise under the state's access laws. The public may be better served by a system that provides for the impartial review of records and an objective determination of their availability, without the time and expense of litigation.

THE PERSONAL PRIVACY PROTECTION LAW

The Personal Privacy Protection Law has been in effect for just over a year. In its effort to ensure proper implementation of the Law, the Committee prepared model regulations for use by state agencies. Recently, model guidelines concerning the Law were distributed. For the use of the public and government, "You Should Know", a non-technical guide to the Law, has been widely disseminated.

The Law requires that state agencies report to the Committee with respect to the number of requests made under the Personal Privacy Protection Law and the agencies' determinations. For purposes of reporting, many agency officials asked whether their report should refer to all requests by individuals for records pertaining to them, or only to those requests that specifically refer to the Personal Privacy Protection Law. It was advised that only the formal requests be reported. According to the agencies reports, 437 requests were granted, 16 were denied, and five were pending. As such, a number of individuals have utilized the Law to review information pertaining to themselves.

The figures may be somewhat misleading in gauging the impact of the Law. For example, people have often asked how many requests are made under the Freedom of Information Law. Our response has always been that it is difficult, if not impossible to know, for records are sometimes made routinely available in response to an informal, oral request. The Committee believes that many records have become readily available due to the existence of access laws and agencies' familiarity with those laws gained over a period of years. In short, it is our view that records in general, as well as records accessible only to the individuals to whom they pertain under the Personal Privacy Protection Law, are often made available without resort to a formal request.

It is noted that nearly two-thirds of the oral inquiries directed to the Committee regarding the Personal Privacy Protection Law were made by state agency officials seeking to comply with the Law. Furthermore, in many agencies, particular individuals have been designated to deal with both the Freedom of Information and Personal Privacy Protection Laws. Those individuals and the staff of the Committee have developed good working relationships. The result is a network of "access professionals" having expertise with respect to both statutes, who can serve the public well.

The Committee's functions relative to the Personal Privacy Protection Law should be improved due to the acquisition of word processing equipment. Data obtained from state agencies will be used to produce a directory of the systems of records from which personal information may be retrieved.

The provisions of the Personal Privacy Protection Law and the services of the Committee have also been used in related areas that lead to public benefit and greater government efficiency. For instance, for the Governor's project on forms simplification and paperwork reduction, the Law can often be cited as a basis for collecting less personal information, when it is found that certain items are not necessary or relevant to the work of the agency. The result may be shorter forms, less paperwork and a lesser burden imposed upon both government and the public.

RECOGNITION OF THE COMMITTEE

The Committee on Open Government is an agency unique among the fifty states. Due to its unusual functions, its work has been widely recognized not only in New York, but also nationally and internationally.

On many occasions, the staff of the Committee has shared its experience with representatives of other states, as well as government officials and members of the news media from Canada, England, and several entities of Japanese government. Their areas of interest have involved the role of the Committee and particular aspects of the laws within the Committee's jurisdiction, such as personal privacy, the impact of the law on municipal government,and trade secrets.

In 1985, the staff of the Committee participated on panels in which New York, because of the Committee's functions, was the only state to be represented. Those forums were conducted by the Office of Technology Assessment, a congressional oversight office, and the National Conference of State Legislatures.

A recent law review article by Professor Robert G. Vaughn published in the Ohio State Law Journal studied the Committee and the Connecticut Freedom of Information Commission as their functions might relate to the implementation of the federal Freedom of Information Act. In Administrative Alternatives and the Federal Freedom of Information Act (45 Ohio State L.J. 185), it was suggested that:

> "A federal administrative agency modeled after the New York Committee on Open Government could, at a small cost, perform a useful advisory function...
>
> "Indeed, recent congressional evaluation of the Freedom of Information Act suggests the importance of central guidance in agency administration. Proposals to unify administrative practice also reflect this general concern. An advisory agency with authority to issue regulations controlling agency procedure would offer a significant possibility for overseeing and influencing agency administration, and for unifying

agency practice on a number of important procedural issues. An advisory agency also possesses the unique ability to study the operations of the Act and to report its findings and conclusions. Congressional consideration of proposed amendments to the federal Act illustrates the importance of such studies and the need for an independent advisory agency to conduct them.

"A federal advisory agency patterned after the New York Committee would also address two other general criticisms of the Act made by federal officials: the unanticipated and substantial costs of administering the Act, and the use of the Act by groups other than individuals and the media, the parties for whose benefit the Act was adopted by Congress. Such criticisms are supported by evidence that the costs of administration have far exceeded the original congressional estimates, and that many requests under the federal Act do not come from individuals, but from interest groups and businesses.

"In contrast, the New York experience supports the conclusion that an advisory agency would reduce the costs of administration of the federal Act. Resolution of disputes without litigation reduces costs, and the influence of the advisory agency on administrative practice may likewise lead to substantial savings" (id. 212, 213).

Professor Vaughn concluded his findings by stating that:

"Although the New York approach offers specific advantages for the administration of the Freedom of Information Act, the lessons of the New York exper-

> ience apply to a range of open government and information laws. The principles of open government will soon require an emphasis on information management, which the courts cannot perform and which should not be left with individual agencies. Creation of an agency patterned after the State of New York Committee on Open Government would prudently begin the development of the administrative alternatives necessary to preserve the concept of freedom of information" (id. 214).

Most recently, a report published by the Freedom of Information Center, School of Journalism, University of Missouri-Columbia (Freedom of Information Center Report No. 512) reviewed the Committee's work in Open Government in New York. In its introduction, the report found that "After a decade of operation, New York's Committee on Open Government has proven to be an aggressive, effective advocate of the people's right to know". The report noted that "Compared with other states, New York's access law are mediocre". Nevertheless, the report also indicated that many believe that the "laws work very well". It was added that the staff of the Committee "has a reputation for fairness and a good relationship with most government agencies. A good number of access disputes that could well end up in court get resolved before litigation is necessary".

The Committee seeks to continue its activist role, serve the public and government impartially and work to make the laws operate most effectively.

SERVICES RENDERED BY THE COMMITTEE

Since 1974, the Committee and its staff have attempted to assist any person who might have questions regarding the Freedom of Information Law and later in conjunction with the Open Meetings and Personal Privacy Protection Laqs. The assistance has been carried out in a variety of ways. Advice is given orally in response to telephone inquiries. Advice is given by means of written advisory opinions to those who write to the Committee. Those two functions, providing advice orally and in writing, represent the major aspects of the day to day functions of the staff of the Committee.

Efforts have also been made on an ongoing basis to reach those having an interest in the laws by means of seminars, workshops, television and radio broadcasts and other events during which the staff seeks to educate interested persons. Public presentations have been given at the request of government groups, representatives of news media, bar associations, public interest groups and on campus.

A third method of disseminating information has involved the publication of informational materials. For instance, a fifteen page brochure entitled "Your Right to Know" has been extremely popular, and the Committee has distributed approximately 250,000 copies of that brochure in its current and prior versions.

In 1975, while serving as Secretary of State, Governor Cuomo suggested the preparation of a pocket card on the Freedom of Information Law. A pocket guide that summarizes both the Freedom of Information and Open Meetings Laws has also been prepared and thousands of copies have been disseminated. In addition, thousands of copies of a new publication regarding the Personal Privacy Protection Law "You Should Know", have been distributed.

The Committee's written advisory opinions are disseminated to various regional law libraries in order that interested persons may review and copy the opinions. Further, the New York Consolidated Law Service in its case notes following the provisions of the Freedom of Information and Open Meetings Laws cites advisory opinions of the Committee.

To provide meaningful service with respect to written advisory opinions, the Committee also prepares indices to the opinions under both statutes. The index to opinions rendered under the Freedom of Information Law (Appendix 1) identifies nearly 4,000 written opinions by means of approximately 420 key phrases; the index to advisory opinions rendered under the Open Meetings Law (Appendix 3) refers to more than a thousand opinions identified by approximately 200 key phrases.

The remaining mechanism for disseminating information regarding the two laws involves the preparation of summaries of judicial decisions. The summaries of opinions rendered by the courts under the Freedom of Information Law are included as Appendix 2; the summaries of judicial opinions rendered under the Open Meetings Laws are attached as Appendix 4.

A. Statistical Summary

Since 1980, the staff, at the direction of the Committee, has kept logs regarding telephone inquiries. In an effort to identify the users of the Committee's services, the logs characterize callers a members of the public, state agency officials, local government officials, state legislators, commercial interests, and members of the news media. A similar breakdown is developed with respect to requests for written advisory opinions.

From November 12, 1984 through the same date in 1985, the staff of the Committee prepared 523 written advisory opinions. With respect to telephone inquiries, the number for the same period was 6,475. The figure regarding oral inquiries made by the telephone is the highest figure ever reported. The number of written advisory opinions prepared by staff is similar to previous years.

Statistics - Freedom of Information Law

Under the Freedom of Information Law, 381 opinions were prepared. Among the opinions, the total by group is as follows:

Members of the Public	312 (82%)
State Agency Officials	4 (1%)
Local Government Officials	36 (9.5%)
State Legislators	2 (.50%)
Commercial Interests	7 (1.75%)
Members of the News Media	20 (5.25%)

With regard to advice given by telephone, the total for the period is 3,473. The profile among those callers is as follows:

Members of the Public	1,123 (30%)
State Agency Officials	735 (20%)
Local Government Officials	784 (21%)
State Legislators	156 (4%)
Commercial Interests	54 (1%)
Members of the News Media	891 (24%)

Under the Open Meetings Law, figures have been slightly increasing since 1980. During that year, the Committee received slightly more than 1,500 telephone inquiries regarding the Open Meetings Law. In 1981 and 1982, the Committee received just above 1,600 inquiries on the subject. In 1985, the Committee received 2, 170 telephone inquires regarding the Open Meetings Law. As such, the total number of telephone inquiries under the Open Meetings Law represents a increase over previous years.

In terms of written advisory opinions rendered under the Open Meetings Law, in 1980, 1981 and 1982, approximately 130 opinions were written. In the covered period, 118 written advisory opinions were prepared. Therefore, the number of written advisory opinions rendered under the Open Meetings Law slightly decreased; the number of opinions rendered in response to oral inquiries slightly increased.

Statistics - Open Meetings Law

The nature of those who wrote to the Committee and sought written advisory opinions under the Open Meetings Law is as follows:

Members of the Public	76 (64%)
State Agency Officials	2 (2%)
Local Government Officials	27 (23%)
Members of the News Media	12 (10%)
State Legislators	1 (1%)

With regard to those who contacted the Committee by telephone to raise questions under the Open Meetings Law, the callers may be identified as follows:

Members of the Public	569 (26%)
State Agency Officials	185 (8.5%)
Local Government Officials	429 (19.5%)
State Legislators	123 (6%)
Commercial Interests	7 (.5%)
Members of the News Media	857 (39.5%)

Advisory services were also rendered in connection with the Personal Privacy Protection Law. Seventeen advisory opinions were prepared at the request of members of the public; one was prepared at the request of local government. In addition, six "advisory letters" were written in response to questions raised by state agency officials.

With respect to oral inquiries made concerning the Personal Privacy Protection law, the following breakdown has emerged:

Members of the Public	128 (23%)
State Agency Officials	350 (62%)
Local Government Officials	35 (6%)
State Legislators	27 (5%)
Commercial Interests	3 (1%)
Members of the News Media	19 (3%)

<u>Combined Figures Regarding the Three Laws</u>

Viewing the statistics shown above regarding the three statutes within the Committee's jurisdiction, the 523 written advisory opinions prepared from November 12, 1984 through November 12, 1985, were drafted by group as follows:

Members of the Public	405 (77%)
State Agency Officials	11 (2%)
Local Government Officials	65 (12%)
State Legislators	3 (1%)
Commercial Interests	7 (2%)
Members of the News Media	32 (6%)

Among the 6,475 telephone inquiries, the following breakdown has emerged:

Members of the Public	1,820 (28%)
State Agency Officials	1,270 (20%)
Local Government Officials	1,248 (19%)
State Legislators	306 (5%)
Commercial Interests	64 (1%)
Members of the News Media	1,767 (27%)

As noted in previous reports, many more inquiries are made regarding the Freedom of Information Law than the Open Meetings Law. From the Committee's perspective, the reason is clear. In short, state and local government maintain thousands of different types of records. Those records may be the subjects of rights of access under the Freedom of Information law and numerous other provisions of law.

Under the Open Meetings Law, due to the structure of the Law and its application, the breadth of the variety of the questions raised is not as significant as those that might arise under the Freedom of Information Law. Further, particularly with respect to state government, many state agencies fall outside the scope of the Open Meetings Law, for they are headed by executives rather than public bodies.

The statistics also point out that the pattern described in earlier reports continues. For instance, approximately three-fourths of the written advisory opinions were prepared at the request of members of the public. In some instances, it may be less intimidating and less costly to write to request an opinion from a government agency than to make a long distance telephone call. Conversely, the proportion of telephone inquiries made by representatives of local government, state agencies and state legislators is higher than the percentage of government representatives who seek written advisory opinions. As indicated by the statistics, nearly half of the telephone inquiries directed to the Committee were made by representatives of government.

Another pattern, which concerns the use of the Committee's services by the news media, also continues. While the number of oral inquiries made under the Freedom of Information Law by the news media represents approximately one quarter of the total number, call by the news media regarding the Open Meetings Law represent nearly forty percent of the total.

As stated in last year's report on the Open Meetings Law, often there is not as great a necessity for receiving a quick response under the Freedom of Information Law as there may be when a question arises under the Open Meetings Law. If a request for records is denied, the records generally continue to exist, and an appeal may be taken. Stated differently, even though records may be withheld today under the Freedom of Information Law, they may be available in the future. In the case of the Open Meetings Law, however, there is often a need for immediate response. If a meeting is

closed, the deliberations of the public body may never become known. For that reason, the Committee believes its services rendered under the Open Meetings Law are used more often by representatiaves of the news media than any other group. Moreover, it is the Committee's view that its advisory function under the Open Meetings Law may be particularly valuable, for an opinion rendered quickly may effectively prevent a violation of the law and ensure the capacity of the public to attend and listen to deliberations of a public body.

B. Presentations

As indicated earlier, an important aspect of the Committee's work involves efforts to educate by means of seminars, workshops and various public presentations.

From January 1, 1985 to the date of this report, the staff has given some sixty-two presentations, which are identified below by interest group in chronological order. It is noted that more presentations were given in 1985 than any other year.

Addresses were given in 1985 before the following groups associated with government:

- New York City Bureau of Labor Services, New York City
- New York State Archives, Albany
- Law Judge Conference, Unemployment Insurance Appeal Board, New York City
- New York State Personnel Council, Albany
- Association of Towns, New York City
- Staff, Appointments Office, Albany
- Civil Service Public Administration Trainee Program, Lake George
- Workshop, Local Land Use Decision Making, Rochester
- Training Session, Governor's Forms Simplification/Paperwork Reduction Project
- Capital District Clerk's Association, Albany

- Orientation Program, Division of the Budget
- Civil Service Core Training, Lake George
- New York State Association of Clerks of County Legislative Boards, Lake Luzerne
- Conference of Mayors, Liberty
- National Conference of State Legislatures, Seattle
- Conference of Mayors Training School, Monticello
- Executive Staff Conference, Department of Civil Service

In addition, as a unit of the Department of State, the staff of the Committee made presentations at a series of Local Government Seminars conducted by the Department. Presentations were made before hundreds of municipal officials at seminars held in:

- Saratoga Springs
- Bear Mountain
- Oneonta
- Jamestown
- Batavia
- Montour Falls
- Garden City
- Syracuse
- Belleayre Mountain
- Loch Sheldrake

Addresses were given before the following groups associated with the news media:

- Port Jervis Area News Media
- Legislative Gazette, Albany
- New York Press Association, Albany
- Oneonta Star
- St. Lawrence County Press Association, Canton
- New York State Society of Newspaper Editors, Binghamton

- Syracuse _Herald Journal_

- Ithaca _Journal_

- Gannett Westchester Newspapers, White Plains

- Adirondack Press Club, Lake Placid

- SUNY Student Newspaper Editors, Albany

- Syracuse Press Club

Public interest groups before whom presentations were given include:

- Rotary Club, Port Jervis

- New York Public Interest Research Group and Common Cause staff, Albany

- United Parents Association, Albany

- Village Independent Democrats, New York City

- Capital District Women's Bar Association, Albany

- Coalition of Albany Neighborhood Associations

Lectures held for students on campus include those given at:

- Pace University, White Plains

- Graduate School of Public Administration, SUNY/Albany

- SUNY/Albany

- Cornell University, Ithaca

- Utica College

- Albany Law School

- Cornell University, Ithaca

- College of St. Rose, Albany

Other presentation included:

- "Speakeasy", television interview, Troy
- Public forum, Port Jervis
- "Speakeasy", television interview, Troy
- Birthparent Support Network, Schenectady
- Colloquium, Federal and State Research, Graduate School of Library and Information Services, SUNY/Albany
- Public forum, Lansingburgh
- Public forum, Ithaca
- Workshop, Freedom of the Press, Troy Public Library