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## ***Open Meetings Law to Require Prior Disclosure of Agendas, Proposed Resolutions and Other Documents***

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*January 12, 2012* — Governor Cuomo rang in the New Year by signing an amendment to the Open Meetings Law designed to enhance public participation and transparency. Effective February 2, 2012, the agendas as well as any other document scheduled to be discussed at a public meeting are required to be made available before or during the meeting when they will be discussed.

Documents such as proposed resolutions, laws, rules, regulations, policies or any amendments thereto that are scheduled to be discussed during an open session of a public meeting, should be made available “to the extent practicable as determined by the agency or department” and the governmental entity may charge a reasonable fee, determined in the same manner as provided under the Freedom of Information Law (“FOIL”).

This amendment also requires advance online posting of the documents if the agency maintains a regularly and routinely updated website. However, as with hard copies noted above, the online documents are only required to be posted “to the extent practicable as determined by the agency or department”.

The purpose of this amendment is to promote public participation in government, by enabling members of the public to understand what a public body may be discussing. According to the Committee on Open Government:

“Members of the public have on many occasions complained that they cannot fully understand discussions among members of public bodies, even though the discussions occur in public. For example, a board member might refer to the second paragraph of page 3 of a record without disclosing its content prior to the meeting. Although the public has the right to be present, the ability to understand or contribute to the decision-making process may be minimal and frustrating.”

The amendment attempts to address this issue, while at the same time it attempts to limit any undue cost or burden imposed by compliance by requiring such prior disclosure only to the extent practicable as determined by the agency itself.

If you have any questions about this amendment or other Open Meetings Law issues, please feel free to contact Peter Weishaar at [pweishaar@mccmlaw.com](mailto:pweishaar@mccmlaw.com) or (585) 512-3542. Mr. Weishaar represents several fire districts in the Greater Rochester Area. His municipal practice also includes the ongoing representation of planning and zoning boards, as well as the representation of municipalities as special counsel in litigation matters.