

Confirming Ulster County's Commitment To The New York State Open Meetings Law In Regard To "Telephone Polling"

The Efficiency, Reform and Intergovernmental Affairs Committee (Chairman Bischoff and Legislators Bartels, Liepmann, Rodriguez, Shapiro, Busick and Cummings) offers the following:

WHEREAS, the New York State Open Meetings Law §100 states "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" and

WHEREAS, the New York State Open Meetings Law, Subsection 102 under Public Officers Law, Article 7 defines a "meeting" as "the official convening of a public body for the purpose of conducting public business," and

WHEREAS, according to the New York State Open Meetings Law, "open meetings," as defined, are strictly limited to either a physical or virtual "real time" gathering of the decision making body and

WHEREAS, past practices in the Ulster County Legislature have included "telephone polling," whereby votes are tallied individually through either telephone or email correspondence, and

WHEREAS, votes tallied through "telephone polling" are clearly inconsistent with the New York State Open Meetings Law, and

WHEREAS, the Efficiency, Reform and Intergovernmental Affairs Committee has met and reviewed said request with a majority of the members voting approval.

RESOLVED, that the Ulster County Legislature confirms its commitment to the New York State Open Meetings Law in regard to the practice of "telephone polling" and recognizes that said practice is inconsistent with the New York State Open Meetings Law,

Resolution No. 189 May 9, 2007

**Confirming Ulster County's Commitment To The New York State
Open Meetings Law In Regard To "Telephone Polling"**

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 24 NOES: 8
(NOES: Legislators Berardi, Dart, Felicello,
Gerentine, Lomita, Noonan, Provenzano and
Terpening)
(Absent: Legislator Loughran)

FINANCIAL IMPACT:
NONE

0525