



PUBLIC EMPLOYEES FEDERATION

Division 194
Room 1072
89 Washington Avenue
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To: Meryll Tisch, Chancellor, NYS Board of Regents
Fr: Michael Tracy-Ireland, PEF Labor-Management Co-Chair & Kevin Kroencke, Div 194 Council Leader
Re: Suggestions for scheduling future retreat meetings of the NYS Board of Regents
Dt: April 10, 2013

According to Robert Freeman, Executive Director of the NYS Committee on Open Government, the following are the steps that the NYS Board of Regents could follow to ensure their scheduled annual July Retreat meetings comply with the NYS Open Meetings Law (OML):¹

Prior to the Retreat Meeting

1. Provide the meeting date, time and place of the scheduled Retreat meeting as per Section 104 of the OML
2. Although not required, publish an agenda for the meeting prior to the scheduled meeting
3. Indicate in the agenda that immediately after the Board convenes the meeting, it expects to move into executive session for the remainder of the meeting period
4. (Optional) To support transparency, the Board should indicate the agenda items to be discussed in the executive session (see #3 below)

First Day of Meeting

1. Immediately after the meeting is convened, the chair entertains a motion to convene an executive session.
2. The motion should comply with the requirements of the recent Appellate Court decision in Matter of Zehner v Board of Educ. of Jordan-Elbridge Cent. School Dist. (cite: http://www.nycourts.gov/reporter/3dseries/2012/2012_00623.htm see also: <http://www.dos.ny.gov/coog/zehner.html> for further explanation) and include enough information for an observer to understand the purpose for the executive session.²

¹ Public Officers Law, Article 7; cite: <http://www.dos.ny.gov/coog/openmeetlaw.html>

² Note: This protocol should also apply to regular meetings of the Board of Regents.

3. If the executive session is for the purpose of conducting an annual performance appraisal of the NYSED Commissioner, Deputy Commissioner and any other Regents-appointed NYSED employees, the motion should state this plainly.

Second Day of Retreat Meeting

1. Follow same steps 1-3 as the First Day of Retreat Meeting

Post-Retreat

1. Minutes from the Retreat Meeting should be prepared and made available within two weeks from the meeting as required by POL, Art. 7, Sec. 106

I have remained in contact with Mr. Freeman and he has indicated to me that he would be more than happy to converse with you or NYSED Counsel's office to clarify these steps or discuss actions the Board of Regents could undertake to ensure its compliance with the Open Meetings Law. Mr. Freeman can be contacted at either 518.474.2518 or coog@dos.ny.gov

Please do not hesitate to contact us if we can be of any further assistance with this.