



MEMO OF SUPPORT

[S.8419 \(Ramos\)/A.9622 \(Solages\)](#)

*Increases Transparency of Community Advisory Committees
Created for NYS Economic Development Projects*

April 14, 2022

Title

An act to amend the New York state urban development corporation act, in relation to community advisory committees.

Summary

Section 1 amends Chapter 174 of the laws of 1968 regarding the Urban Development Corporation (now known as Empire State Development Corporation or “ESD”) to require community advisory committees for ESD economic development projects be subject to Sections 6 and 7 of the Public Officers Law, respectively known as the Freedom of Information Law (FOIL) and Open Meetings Law (OML). Section 1 also requires ESD to post a listing of community advisory committee members, and community advisory committee meeting agendas, materials, and minutes on its website.

Section 2 sets the effective date as immediately.

Statement of Support

While the Empire State Development (ESD) is required to form community advisory committees (CACs) for its economic development projects, there is no requirement that these bodies operate under the state’s Open Meetings Law. There are also no requirements for meeting agendas, materials, and minutes of these advisory committees to be published on ESD’s website.

Instead, these community advisory committees have met privately, and members have been instructed to treat discussions and materials provided as confidential, even though meeting materials are subject to disclosure under the Freedom of Information Law (FOIL). The practice of having a “gag order” for members of community advisory

committees is anti-democratic, and runs counter to the presumption of access under our state's transparency laws.

For the Community Advisory Committee for ESD's Penn Station Area project, it was not until after a [FOIL request was filed by Reinvent Albany](#) for CAC materials that ESD posted a portion of the materials provided to the CAC on its website, months after this information was first made available to CAC members.

This means that ESD has provided information regarding the potential spending of billions in taxpayer dollars to a small group of individuals who in theory represent the community, but did not proactively share this information with the public at large.

Reinvent Albany strongly supports this legislation because it will ensure that ESD posts all materials provided to community advisory committees on its website, and will require these bodies to meet publicly. This will ensure that the broader public is able to view the activities of community advisory committees, and has access to the same information as the members of community advisory committees.

This legislation is also consistent with recent changes to the community advisory committees required for gaming facilities location made in the [FY 2023 state budget](#), which requires these bodies to meet publicly under the Open Meetings Law.