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MEMO OF SUPPORT

S8419-B (Ramos) / A9622-C (Solages)

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

November 29, 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 ESD to post a listing of community advisory committee (CAC) members, and CAC meeting agendas, materials, and minutes on its website. The legislation also requires that ESD post meeting times and locations at least one week in advance of committee meetings, which shall be accessible for the public to view and attend live.

Additionally, the bill updates the law to include more gender-neutral language.

Section 2 sets the effective date as immediately.

Statement of Support

While ESD is required to form 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 CACs' meeting agendas, materials, and minutes to be published on ESD's website.

Instead, ESD's CACs 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 providing information exclusively to members of CACs, when that information is critical to the public's interest and future, runs counter to the spirit of our state's transparency laws. Notably, some new CACs, such as the casino siting CAC, are [explicitly subject to the Open Meetings Law](#).

For the CAC for ESD's Penn Station Area project, it was not until after a [FOIL request was filed](#) 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 at times only provided information regarding the spending of billions in taxpayer dollars to a small group of individuals who in theory represent the community, but has not shared this information with the public at large in a complete or timely manner.

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

The legislation was passed with unanimous support in the Senate and Assembly. We urge the Governor to promptly sign this legislation, with no chapter amendments.