



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT M. STRINGER
BOROUGH PRESIDENT

TO: Manhattan Community Board Chairs
FROM: Jimmy Yan, General Counsel, Manhattan Borough President's Office
DATE: December 1, 2006
RE: Community Board email discussions under Open Meetings Law

I am providing for your reference this opinion on the following questions regarding the permissibility under Open Meetings Law of certain email exchanges and other discussions occurring among Community Board members outside of an open public meeting:

1. Is it permissible under the Open Meetings Law for members of a community board to receive an informational synopsis of a report via email?

Opinion: It is permissible under the Open Meetings Law to send an email to members of a community board committee, whether a quorum or not, for the sole purpose of disseminating information such as an informational synopsis of a report. However, it is likely not permissible for a quorum of this committee to begin having a discussion about this synopsis over email and certainly impermissible for members of the committee to take votes or action during such an email exchange.

2. Is it permissible under the Open Meetings Law for a majority of community board committee members to discuss a proposed resolution over email?

Opinion: The Open Meetings Law would not permit a majority of community board committee members to discuss via email a matter of public business such as a proposed resolution, even if formal action or votes are not taken during such a discussion. Similarly, the Open Meetings Law would also not permit such a discussion over telephone.

Attached please find copies of two opinions of the New York State Committee on Open Government on this topic that you may find helpful. You may also find these opinions at the following links on the Committee on Open Government's website:

1. <http://www.dos.state.ny.us/coog/otext/o3787.htm>
2. <http://www.dos.state.ny.us/coog/otext/3473.htm>

Should you have any questions, please feel free to contact me at (212) 669-8157.