1. **Call to Order.**
The meeting was called to order via Video Conference by Chair Davis at approximately 12:05 p.m. in accordance with the Open Meetings law, as amended by Part E of Chapter 417 of the Laws of 2021 and further amended by Chapter 1 of the Laws of 2022, which suspends certain provisions of the Open Meetings Law to allow this public Board to convene a meeting via video and teleconferencing. In accordance with the amended law, the public has been provided with the ability to view today’s meeting, to provide comments live via the written chat function or in advance via email, and a transcript will be provided at a later date, upon request.

2. **Executive Session**
Chair Davis made a motion to enter Executive Session to consider matters relating to the employment history particular persons which was seconded by Trustee Madigan and approved unanimously.

The Board discussed the reorganization of job duties that followed the review of IOLA’s banking processes conducted with BDO. This included a discussion of the employment history of certain current employees. Thereafter, Chair Davis made a motion, seconded by Trustee Villaverde, and approved unanimously to adopt a resolution that approved salary schedule changes for certain IOLA staff for FY 2023.

3. **Approval of the minutes of the meetings of the Board of Trustees held on March 16, 2021.**
The minutes of the above meeting were reviewed. Trustee Lindenauer moved to approve the minutes, seconded by Trustee Cirando, and the Board approved the motion unanimously.

4. **Executive Report**
Mr. O’Malley reported that IOLA intends to release the RFP for the FY24 & FY25 grant cycle in mid-August with the Board approving all grant awards at the December 13, 2022 Board meeting. Upon Mr. O’Malley’s review and the Board’s discussion of the reviewed the revenue on hand, current grant obligations, and projected revenue to be received, the Board approved Mr. O’Malley’s recommendation to set the total amount for the RFP at $100 million with up to 25% allocated for AOJ grants and at least 75% allocated for CLS grants.
Mr. O’Malley reported that the operational changes stemming from the review conducted by BDO were underway and the written manual is nearly final. Mr. O’Malley stated that the improvements were aiding IOLA financially and allowing IOLA to redirect energy and resources to grantmaking, which Mr. O’Malley recognized as IOLA’s core function.

Trustee Madigan observed that the IOLA Board has six vacancies and inquired regarding the appointing authorities. Mr. O’Malley stated that the Minority Leader of the Assembly had one vacant appointment, the Majority Leader of the Senate had two, and the Governor had three. After discussion, the Board determined that the Chair should send a written request to the appointing authorities with the Chair and Trustees Madigan and Cirando to follow up thereafter.

Ms. Agard reported that the cash on hand as of April 1 was about $122.8 million with interest earnings of about $2.3 million and grant and administrative expenses of $576k, which put cash on hand at $124.6 million as of May 1.

The detailed bank revenue report was relatively flat: the net yield was 0.28% and the overall average daily balance was just under $10 billion. Ms. Agard explained that earnings are expected to increase due to expected IOLA rate increases in the wake of the Federal Reserve’s interest rate hikes.

Ms. Agard then reported that the IOLA Fund’s administrative expenses in April were about $150k and that IOLA ended FY22 about $70k under its total administrative budget of $1.984.

5. Counsel's Report
First, Ms. Fecko highlighted the Technology Conference, held on April 11&12 with an average of 225 people attended each session.

With regard to attorney and bar matters, Ms. Fecko first discussed the prevalence of discussion in various circles about the impact of the pandemic on civil legal aid. Next, she referenced the recent NYC Bar’s Legal Services Awards, which honored advocates who have been working in the trenches for many years, all of whom work with IOLA grantee organizations. Ms. Fecko will be working on a revised chapter on IOLA for the NYSBA publication, “Attorney Escrow Accounts,” edited by Peter Coffey and Anne Reynolds Copps, and thanked Cardozo Law student Shelby Saunders in advance for her assistance. Finally, Ms. Fecko announced her nomination to become NAIP President, effective July 1.

Regarding banking, Ms. Fecko reviewed the actions of the Federal Reserve at its March and May meetings, which combined to bring the federal funds target rate to 1.00% and is expected to rise to 2.00% by the end of the summer. IOLA issued a notice to all participating banking institutions about these rate hikes, which, in turn, led to some banks to increase their IOLA rates including one very
large bank that adopted the Safe Harbor rate – estimated to generate at least $3.8 million more per year.

In reviewing activities focused on the IOLA office’s operations, Ms. Fecko discussed the recently enacted ethics reforms that replace JCOPE with a new Commission on Ethics and Lobbying and amendments to the Open Meetings Law (“OML”). The impact of the ethics reform on the training requirement is unclear but, as of now, Ms. Fecko intends to offer a refresher ethics training on September 21, immediately following the next IOLA Board meeting. She noted that this will be three days after the deadline for several Board members and the Board agreed that Ms. Fecko should reach out to JCOPE for an extension. After discussion of the OML changes, the Board expressed tentative interest in adopting a policy to permit IOLA Trustees to participate in meetings by video from non-public locations under extraordinary circumstances. Ms. Fecko advised the Board that the Committee on Open Government (“COOG”) intends to share policy templates and provide guidelines on conducting the public hearing necessary to adopt such policies and the Board deferred consideration of the issue pending review of such guidance from COOG.

6. Next Meeting
The next meeting of the IOLA Board of Trustees is scheduled for September 21, 2022, at noon.

There being no further business before the Board, the meeting was adjourned at approximately 1:10 p.m.

Respectfully submitted,
Christopher B. O’Malley
Executive Director