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# Authorities Budget Office Policy Guidance

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**No.** 21-01

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**Supersedes:** 19-01

**Subject:** Posting and Maintaining Reports on Public Authority Websites

**Statutory Citation:** Various Sections of New York State Law

**Provisions:** Public Authorities Law, as amended in 2005 by the Public Authorities Accountability Act, requires state and local authorities to file specific financial and budgetary information with the ABO, as well as to report property transactions, debt issuances, and other information on their operations. Public authorities have been submitting these reports through the Public Authorities Reporting Information System (PARIS) and, to the extent practicable, posting the information on their official websites. Information to be accessible on the authority's website was to include its mission and current activities, its most recent annual financial reports, current year budget, its most recent independent audit report, and its investment and procurement guidelines.

The Public Authorities Reform Act of 2009 (Chapter 506) amended the 2005 law to require additional information be reported to the ABO and that all public authorities have an official website or post the information on a shared website. The ABO also issued regulation, 19 NYCRR 250, that requires industrial development agencies (IDAs) to post certain information on their website. This regulation is an enhancement upon the existing requirements set forth under Article 18-A Title 1 of General Municipal Law (GML) concerning IDA projects. In addition, GML, PAL and Public Officers Law outline requirements for public authorities to video record open meetings, which includes broadcasting the meeting on the authority's website in real-time and posted for future access.

**Authorities Budget Office Policy Guidance:** The Authorities Budget Office (ABO) is committed to the principles of public disclosure and the transparent reporting of public authority financial and management information. Public authorities are to make specific information available to the public through their own or shared website.

To assist public authorities to meet their disclosure and reporting obligations, the ABO has developed the attached checklist of policies, reports and authority information that public authorities must post and maintain on their website.

This information is to be made available in a manner that enables the public to easily find and navigate through it. The failure to post this information on the website and maintain its accuracy will be considered an act of non-compliance with state law and

subject the authority to the sanctions and enforcement powers provided to the ABO by statute. If an authority does not have the resources to create and maintain its own website, it should work with its municipality to create a web page on the municipality's website.

**Procedures for Retaining and Maintaining Information on Websites:** The ABO routinely checks authority websites to monitor compliance. Therefore, the ABO recommends referring to the attached checklist for guidance. As a general rule, information that is likely to remain static should be permanently posted to the website but updated as necessary. At least two years of budget, financial and operating information should also be available on the website.

Public authorities should also consider the following when posting and maintaining documents to their websites:

- Public authorities should monitor and regularly update its website, which includes ensuring all links function properly.
- The information provided must be accurate and complete.
- Individuals should be able to navigate through the website with ease and have little difficulty finding the desired information and documents.
- All documents should be prepared using common terminology that facilitates a better understanding of the content.

**Policies for the Retention of Records:** New York State has adopted rules and regulations that govern the retention and disposition of records. These rules require that, even after removing a record from its website, a public authority must retain copies of all records, whether electronic or hard copy, for the stipulated time periods outlined in the schedules prepared by the State Archives. (Please refer to: <http://www.archives.nysed.gov/records/retention-scheduling-and-appraisal>).

To ensure compliance with the policies of the New York State Archives, the ABO recommends that public authorities establish a records management program to promote efficient administration and management of the Authority's records. This involves maintenance, retention, and storage of official records based on their legal and administrative value to the authority. A record retention program would require public authorities to:

- Develop a records retention and disposition policy and ensure compliance by all staff.
- Ensure that authority records are maintained and disposed in compliance with regulations.
- Identify, protect, and preserve archival records.
- Establish a process to prepare and annually review and update the records management plan.

## Information to Be Posted on a Public Authority's Website

Unless noted otherwise, as a general rule, information that is likely to remain static should still be reviewed on an annual basis to confirm changes are not need. Any updated and board approved documents should be posted to the website. *At least two years of budget, financial and operating information should also be available on the website.*

### §2800 Annual Report

- Report on Operations and Accomplishments
  - Include description of the authority's operations, completed and active projects, as well as any material changes in authority operations and programs
  - Updated annually within 90 days of end of fiscal year
  
- Financial Reports
  - Including Certified Financial Audit under Section 2802 of PAL
  - Grant and subsidy programs (if applicable)
  - Operating and financial risks
  - Supporting policies to mitigate risks
  - Maintain at least two years of financial information
  
- Authority Mission Statement and Performance Measurement Report
  - See [ABO Policy Guidance 10-02: Public Authority Mission Statements and Measurement Reports](#)
  - Mission Statement
  - Performance Measures
  - Annual Performance Evaluation indicating status of the Performance Measures
  - Review annually
  - Update and approve as necessary
  - Maintain the Mission Statement on website permanently
  - Maintain the Annual Performance Evaluation on website for two years
  
- Schedule of Debt
  - Update annually to include new bond and debt issuances and amounts redeemed
  - Post a copy of each official statement or similar documents for all debt issuances, including conduit debt, that indicate
    - The amount of debt issued
    - The purpose for issuing the debt
    - The use of the debt proceeds
    - The recipient of the debt proceeds
  - Maintain each annual schedule on website for two years
  - Maintain official statements on website for two years from date of bond issuance and update as necessary with new statements
  
- Personal and Real Property Transactions
  - Post a list of Real Property owned by the Authority
  - Guidelines concerning the awarding and monitoring of contracts for the disposal of property

- Report of all property transactions that includes the price of the transaction and name of the purchaser or seller
- Update as necessary to reflect changes to or new property transactions
- Maintain guidelines on website permanently
  
- Authority Code of Ethics
  - See [ABO Recommended Practices: Model Code of Ethics](#)
  - Update and approve as necessary
  - Maintain on website permanently
  
- Management's Assessment of the Authority's Internal Control Structure and Procedures
  - See [ABO Recommended Practices: Model Assessment of Internal Controls](#)
  - Include a description of operating and financial risks
  - Maintain each assessment report on website for two years
  
- Enabling Statute
  - Post current enabling statute or active link to site
  - Local Development Corporations should post their articles of incorporation in lieu of an enabling statute
  - Update as necessary to reflect statutory amendments
  - Maintain enabling statute or articles of incorporation on website permanently
  
- List of Authority Board Members and Executive Management Team
  - Include appointing entity, appointment dates and terms
  - Include professional experience and current employment of each member, and the professional background and experience of officers
  - Board performance evaluations questionnaire (See [ABO Policy Guidance 10-05: Annual Board of Directors Evaluation](#))
  - Update to reflect changes in the board or staff
  - Maintain on website permanently
  
- List of Committees, Committee Members, and Committee Meetings
  - Post notices, proposed agendas and board packets for all committee meetings at least one week in advance of meetings
  - Names of all committees and their members should be posted permanently, and updated as necessary
  - Post meeting minutes within 14 days of committee meeting
  - Maintain meeting minutes on website for at least two years following the date on which the meeting was held
  
- Board Meetings
  - See [ABO Recommended Practices: Board Meetings – Best Practices Guide for Public Authorities](#)
  - Post schedule of all board meetings at beginning of the fiscal year
  - Post meeting notices, agendas and board packets at least one week in advance of a board meeting
  - Post board meeting minutes within 14 days of meeting

- Post any board resolutions
  - Maintain meeting minutes and resolutions on website for at least two years following the date on which the meeting was held
- Board Meetings – Video recordings
- Stream all open meetings and public hearings in real-time
  - Post the recordings within five business days
  - Maintain recordings on website for at least five years (permissible websites include live-streaming platforms such as YouTube)
- Authority By-laws
- Update and approve as necessary
  - Maintain on website permanently
- Subsidiaries, Affiliates, and Major Authority Units
- Post subsidiary report submitted to the Legislature pursuant to statute
  - Report should include: contact information; an organization chart; names of Board members, directors and officers; by-laws; and a report on the purpose, operations, mission and projects of the subsidiary, including justification as to why it is necessary for the subsidiary to continue its operations for the benefit of the State
  - Maintain on website permanently
- Authority Organization Chart
- Post, at a minimum, the authority's executive structure and major organizational units
  - Update and approve as necessary
  - Maintain on website permanently
- List of Projects
- Grants provided by the Authority
    - Amount of Grant
    - Recipient of Grant
    - Purpose of Grant
  - Maintain on website for two years
  - Loans provided by the Authority
    - Original Amount of Loan
    - Date Loan Originally Provided
    - Recipient of Loan
    - Purpose of Loan
    - Amount of Loan Outstanding
    - Status of Repayment (current, delinquent, etc.)
  - Maintain on website while active and for two years after
  - Bonds issued by the Authority for projects
    - Amount of Bonds Issued
    - Recipient of Bond Proceeds
    - Purpose of Bonds
  - Maintain on website for two years after bonds fully retired

## **§2801 Budget Report**

- Annual Budget Report
  - Details of 4-year financial plan
  - Current and projected capital budget
  - Financial and operating performance
  - Maintain each budget report on website for two years

## **§2802 Independent Audits and Audit Reports**

- Certified Financial Audit
  - Post management letter and report on internal controls
  - Post the documents submitted as part of the Certified Financial Audit report in PARIS
  - Maintain each audit on website for two years

## **Part 250.1 of Title 19 NYCRR – Applicable to IDAs only**

- Blank Standard Application Form
  - The form shall be used to accept requests for financial assistance
  - Update and approve as necessary
  - Maintain on website permanently
- Uniform Tax Exemption Policy
  - Update and approve as necessary
  - Maintain on website permanently
- Uniform Evaluation and Selection Policy
  - Update and approve as necessary
  - Maintain on website permanently
- All Approved Applications
  - This includes the approved IDA resolution, as well as all attachments, appendixes and any other relevant records that set forth terms and conditions under which financial assistance shall be provided
  - Maintain on website while project is active and for two years after
- Policies for the Suspension, Discontinuance or Modification of Financial Assistance
  - Update and approve as necessary
  - Maintain on website permanently
- Policies for the Return of All or Part of the Financial Assistance Provided for the Project
  - Update and approve as necessary
  - Maintain on website permanently
- Annual Compliance Report Regarding State Sales Tax Recapture (ST-62)
  - Maintain on website for two years

- List of Active Projects
  - Project Name
  - Project Applicant Name and Address
  - Total Project Amount
  - Bonds Issued
  - Current Amount of Bonds Outstanding
  - Date Project Approved
  - Existing Jobs Before IDA Assistance
  - Original Estimate of Jobs to be Created/Retained
  - Current Number of Existing Jobs
  - Current Tax Exemptions
    - Mortgage Recording Tax
    - State and Local Sales and Use Tax
    - County, Local and School Property Tax
  - Current PILOT
    - County
    - Local
    - School
  - Copy of Project Agreement
  - Copy of PILOT Agreement
  - Maintain on website while project continues to receive financial assistance or bonds remain outstanding
  
- An Assessment of the Progress of Each Active Project
  - Assessments should be conducted annually and maintained on the website for three to five years

**Chapter 109 of the Laws of 2020, Section 858 of GML– Applicable to IDAs only**

- Grants provided by the Authority
  - Name and address of each grant recipient
  - The original amount of the grant
  - Date the grant was awarded (approved by the board)
  - Specific use of the grant funds
- Loans provided by the Authority
  - Name and address of each loan recipient
  - The original amount of the loan
  - Date the loan was awarded (approved by the board)
  - Length of loan (repayment period)
  - Amount of loan principal repaid as of the end of the fiscal year
  - Specific use of the loan funds

**Other Documents to be Posted on Website**

- Procurement Policies and Annual Procurement Report
  - Post the reports generated from the PARIS Procurement Report, and include name of the Authority's Procurement Officer
  - Utilization Plan and any waivers of compliance regarding MWBE requirements (State authorities only)
  - Update and approve policies as necessary

- Maintain policies permanently on the website
- Maintain Procurement Reports on website for two years
- Investment Policies and Annual Investment Report
  - See [ABO Policy Guidance 18-02: Public Authority Investment Report](#)
  - Post the annual Investment Report, including the investment audit results and management letter, record of investment income of the authority and a list of fees paid for investment services
  - Post explanation for any amendments made to the Investment Policy
  - Update and approve as necessary
  - Maintain policy permanently on the website
  - Maintain investment reports on the website for two years
- Conflict of Interest Policy
  - See [ABO Recommended Practices: Conflict of Interest Policy for Public Authorities](#)
  - Update and approve as necessary
  - Maintain on website permanently
- Whistleblower Policy
  - See [ABO Recommended Practices: Whistleblower Access and Assistance Program](#)
  - Update and approve as necessary
  - Maintain on website permanently
- Fee Schedules (if applicable)
  - Post a list of service fees charged by the Authority
  - Update and approve as necessary
  - Maintain on website permanently