



- *Accountability*
- *Transparency*
- *Integrity*

## **Review of Public Complaint**

### **Nassau County Bridge Authority**

**June 12, 2023**

**PC-2023-01**

### **The Complaint**

The Authorities Budget Office (ABO) is authorized by Section 6 (2) (d) of Title 2 of Public Authorities Law to investigate and act on complaints concerning the failure of a public authority to comply with State law.

On November 15, 2022, the ABO received a complaint from the public stating that the Nassau County Bridge Authority (Authority) is violating Open Meetings Law (OML) by not posting meeting dates, agendas, or minutes to its website. The complaint also alleges that the Authority does not have an email address for the public to send Freedom of Information Law (FOIL) requests.

### **Scope of the Review**

This report is a limited scope review of the transparency of the Authority's website between January 4, 2023 and January 10, 2023. Based on the complaint, we reviewed the website to identify if the Authority is posting meeting dates, agendas, and minutes as required by OML. In addition, we determined if the Authority's website includes an email address for the online submission of FOIL requests. We also determined if the Authority was posting other reports and information required by Public Authorities Law. Our review focused on current information and required data for the fiscal year ending December 31, 2021. The focus of our review was limited to verifying that the required information is posted on the Authority's website and did not address the substance of these documents. This report is limited to the information and documents available on the Authority's website during the period reviewed.

### **Background**

The Authority was established in 1945 by Title 7 of Public Authorities Law to operate and maintain the Atlantic Beach Bridge, which spans the Reynolds Channel between the Village of Lawrence and Atlantic Beach in Nassau County. The Authority is defined under Section 2 of Public Authorities Law as a local authority.

The Authority is governed by a five-member Board of Commissioners, all of whom are appointed by the Nassau County Executive with the approval of the County Legislature. The Authority's fiscal year begins on January 1.

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## *Results of Investigation of Complaint*

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**Complaint:** Is the Nassau County Bridge Authority (Authority) violating Open Meetings Law by not posting meeting dates, meeting agendas, and meeting minutes to their website as required? Does the Authority have an email address to send Freedom of Information Law requests posted to its website?

The complaint was measured against Public Officers Law requirements. In addition, the Authorities Budget Office (ABO) has issued Recommended Practice: Board Meetings: Best Practices Guide for Public Authorities and Policy Guidance No. 22-01: Posting and Maintaining Reports on Public Authority Websites, together to be referred to as ABO Guidance, to assist authorities in the transparency of their meetings and websites.

Section 104 of Public Officers Law, more commonly known as Open Meetings Law (OML), requires a public body to provide public notice of the time and place of a meeting scheduled at least one week in advance, to the news media and conspicuously posted in one or more designated public locations, at least 72 hours before such meeting. In the case of meetings scheduled less than one week in advance, such notice is required to the extent practicable at a reasonable time prior to the meeting. In each case, such notice should be conspicuously posted on the public body's website in advance of a board meeting. ABO Guidance requires local authorities to post a schedule of all board meetings at the beginning of the fiscal year and board meeting agendas are to be posted one week prior to the meeting. Our review found that the Authority did not post a schedule of meetings for the year on its website. On January 9, 2023, we found the Authority's website included a notice for its January 11, 2023 board meeting, but the agenda for the meeting was not included on the website.

Section 106 (3) of OML requires meeting minutes to be posted to a local authority's website within two weeks from the date of the meeting. Our review found the Authority is not posting all board or committee meeting minutes on its website. We were only able to find board meeting minutes for 2022 and nothing for 2021 and 2023 was posted. We found no committee meeting minutes posted on the website.

Section 89 of Public Officers Law, more commonly known as Freedom of Information Law (FOIL), requires a public body to accept requests for records through electronic mail (e-mail) and ensure that its website provides for online submission for FOIL requests. Our review found the Authority is not posting any information on its website pertaining to how to submit a FOIL request or an email address for the public to send FOIL requests. However, while not conspicuously posted, we were able to locate the main contact information address, phone, and a link to a general email address for the Authority.

**Conclusion:** The Authority is not posting meeting notices, schedules, agendas, and meeting minutes as required by Open Meetings Law and ABO Website Guidance. In addition, the Authority is not posting an email address for the public to send FOIL requests.

**Other Observations:** Pursuant to Section 2800 of Public Authorities Law (PAL), state and local authorities are to make documents pertaining to their mission, current activities, annual financial reports, budgets, and independent audit reports accessible to the public on the authority's official or shared website. To assist state and local authorities meet their disclosure and reporting obligations, the ABO Website Guidance provides a checklist of policies, reports, and other information that the Authority should maintain online in accordance with the Public Authorities Reform Act of 2009 and other provisions of law.

We found the Authority has not made certain information available on its website as required by Section 2800 of PAL. For example, we found the Authority is not posting its enabling statute, organization chart, or information on its executive management, board members and committees. In addition, we found the Authority is not posting a four-year budget plan or reports on procurements and investments. The full results of the website review are attached.

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## *Recommended Action of the Board*

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**Recommendation Based on Complaint:** The Nassau County Bridge Authority (Authority) board should ensure its board meeting schedule, notices, agendas, and meeting minutes for the Board and its committees are posted to the Authority’s website in accordance with Open Meetings Law. In addition, the Authority should provide an email address for the public to send FOIL requests, in accordance with the Freedom of Information Law.

**Other Observation Recommendation:** We have concluded the Authority needs to make additional required information available on its website. Please review the attached website review results and take appropriate action so that all information required under Section 2800 of Public Authorities Law is available online and easily accessible to the public. Further, please provide the Authorities Budget Office with a written confirmation that you have fully addressed these concerns by July 24, 2023. You may view Policy Guidance No. 22-01: Posting and Maintaining Reports on Public Authority Websites at [www.abo.ny.gov](http://www.abo.ny.gov).

## Website Review Results

Information to Be Posted on Public Authority's Website	Posted on Website (Yes/No)
Mission Statement	Yes
Enabling Statute	No
By-laws	Yes
Code of Ethics	Yes
Conflict of Interest Policy	No
Whistleblower Policy	No
Organization Chart – including, at a minimum, the Authority's executive structure and major organizational units	No
Report on Operations and Accomplishments - including a description of the Authority's operations, completed and active projects, as well as any material changes in Authority operations and programs	Yes, located in Annual Report
List of Authority Board Members - including appointing entity, appointment dates, and term	Yes, but no appointment dates, appointing entity and terms are not included
Each Authority board member's current employment and professional background	No
List of Committees and Committee Members	No
Executive Management Team - including professional background and qualifications	No
Authority Performance Measures	No
Annual Performance Evaluation indicating status of Performance Measures	No
Authority Schedule of Debt	Yes, located in audit, but only 2021 included
Management's Assessment of the Authority's Internal Control Structure and Procedures - including a description of operating and financial risks and any policies to mitigate risk	Yes, but does not include a list of operating and financial risks
Board meeting schedule	No
Board meeting notice	Yes, found notice for January 11, 2023 meeting
Board agendas	No
Board packets	No
Board meeting minutes	Yes, 2022 included but no minutes for 2021 or 2023
Board meeting webcasting and video recordings	No
Board Resolutions	No
Committee meeting schedule	No

Committee meeting notice	No
Committee meeting agendas	No
Committee meeting packets	No
Committee meeting minutes	No
Committee meeting webcasting and video recordings	No
Annual Budget Report and details of 4-year financial plan	No, 2023 not posted and 2022 budget does not include a 4-year plan
Annual Independent Certified Financial Audit	Yes, but not for 2020
Independent Auditor's Report on Internal Controls over Financial Reporting	Yes, but not for 2020
Independent audit management letter	No, if none issued this should be stated
List of grants provided - including grant recipient's name and address, the purpose of the grant, date awarded, and amount awarded	N/A
List of loans provided - including borrower's name and address, loan purpose, date awarded, amount issued, term of the loan, repayment status, principal repaid and amount outstanding as of the end of the fiscal year	N/A
List of bonds issued - including bond recipient's name, amount of bonds issued, purpose of bonds, and current amount outstanding as of the end of the fiscal year	N/A
Property Acquisition Policies	No
Property Disposition Policies	Yes
List of Real Property owned by the Authority	Yes
Personal Property Transactions	Yes
Real Property Transactions	Yes
Policies for the procurement of all goods and services	Yes
Annual Procurement Report	No
Authority's Procurement Officer	No
Investment Policies	Yes
Annual Investment Report - including the investment audit results and management letter, record of investment income, list of fees paid for investment services, and explanation of any amendments to the Investment Policy	No
Fee Schedules (if applicable) of any service or administrative fees charged	Yes
Current Year Official Statements or similar bond documents	N/A

\*Review conducted by the Authorities Budget Office between January 4, 2023 and January 10, 2023