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**Authorities Budget Office**

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November 26, 2024

Kevin O'Connor  
Chief Executive Officer  
Advance Albany County Alliance Local Development Corporation  
112 State Street – Room 1200  
Albany, New York 12207

Dear Kevin O'Connor:

The Authorities Budget Office (ABO) is authorized to assist public authorities improve management practices and the procedures by which their activities and financial practices are disclosed to the public. 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 has issued Policy Guidance No. 22-01: "Posting and Maintaining Reports on Public Authority Websites". This 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.

On November 25, 2024, we reviewed the Advance Albany County Alliance Local Development Corporation's (Authority) website. 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. Our review focused on current information and required data for the fiscal year ending December 31, 2023. We have concluded that the Authority is posting most of the required information on its website.

As part of our review, we also observed the Authority is conducting committee business within its regular meetings and not ensuring that committee meetings are separate. As a local authority defined in Title 1, Section 2 of PAL, and in accordance with Section 2829 of PAL (added as part of the FY2024-25 NYS State Budget and effective in May 2024), the Authority is required to follow Open Meetings Law (OML) (Public Officers Law, Article 7). According to OML, meetings of public bodies must be open to the public (a meeting is the official convening of a public body for the purpose of conducting public business). Section 102 (2) of OML defines "public body" to include: "...any entity for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body of such public body".

The intention of OML, also known as the "Sunshine Law", is to promote openness and transparency. This law applies to the regular, committee, and subcommittee meetings. Though it is permissible to schedule the committee meetings back-to-back with the board meeting, it is important to keep in mind that each meeting must be separate and distinct. This means each committee meeting must be brought to a close before the next can begin, and each of the committee and board meetings' agendas, minutes, meeting materials (packets), and webcasts also need to be maintained separately.

To assist authorities in fulfilling the requirements related to public meetings, the ABO has issued [Board Meetings: Best Practices Guide for Public Authorities](#). This guidance provides recommendations for conducting board and committee meetings and maintaining the records and materials of these meetings in a manner that promotes transparency to the public.

Please review the attached findings and take the appropriate action so that all information required under Section 2800 of Public Authorities Law is available online and easily accessible to the public. Please provide us with a written confirmation that you have fully addressed these concerns by January 14, 2025. You may view Policy Guidance No. 22-01 at [www.abo.ny.gov](http://www.abo.ny.gov). Please contact us if you have any additional questions.

Sincerely,

A handwritten signature in black ink that reads "Ann Maloney". The signature is written in a cursive, flowing style.

Ann Maloney  
Acting Director

Enclosure

cc: Alan Goldberg, Chair, Advance Albany County Alliance Local Development Corporation

## Review of Advance Albany County Alliance Local Development Corporation's Website

Information To Be Posted on Public Authority's Website	Posted on Website (Yes/No)
Mission Statement	Yes
Certificate of Incorporation	Yes
By-laws	Yes
Code of Ethics	Yes
Conflict of Interest Policy	Yes
Whistleblower Policy	Yes
Organization Chart – including, at a minimum, the LDC's executive structure and major organizational units	Yes
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
List of LDC Board Members - including appointing entity, appointment dates, and term	Yes
Each LDC board member's current employment and professional background	Yes, but professional background not included
List of Committees and Committee Members	Yes
Executive Management Team - including professional background and qualifications	Yes, but background and qualifications are not included
Authority Performance Measures	Yes
Annual Performance Evaluation indicating status of Performance Measures	No
Authority Schedule of Debt (including conduit debt)	Yes, posted no bonds outstanding
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
Board meeting schedule	Yes
Board meeting notice	Yes
Board agendas	Yes
Board packets	Yes
Board meeting minutes	Yes
Board meeting webcasting and video recordings	Yes
Board resolutions	Yes
Committee meeting schedule	Yes
Committee meeting notice	Yes, posted as part of board meeting notice
Committee meeting agendas	Yes, included with board agendas but should be separate
Committee meeting packets	Yes, included with board packets but should be separate
Committee meeting minutes	Yes, included with board minutes but should be separate
Committee meeting webcasting and video recordings	Yes, included with board meeting video but should be separate
Annual Budget Report and details of 4-year financial plan	Yes

Annual Independent Certified Financial Audit	Yes
Independent Auditor's Report on Internal Controls over Financial Reporting	No
Independent audit management letter	Yes, indicated no management letter was issued
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	Yes
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	Yes
Authority's Procurement Officer	Yes
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	Yes
Fee Schedules (if applicable) of any service or administrative fees charged	N/A
Current Year Official Statements or similar bond documents	N/A

\*Review conducted by the Authorities Budget Office on November 25, 2024