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Authorities Budget Office

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December 19, 2024

Tracy Stark-James
Riverhead IDA Economic Job Development Corporation
200 Howell Avenue
Riverhead, New York 11901

Dear Tracy Stark-James:

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, 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 the Authority should maintain online in accordance with the Public Authorities Reform Act of 2009 and other provisions of law.

Between October 7, 2024 and October 9, 2024, we reviewed the Riverhead IDA Economic Job Development Corporation (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 not making certain required information available on its website. 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.

As part of our review, we also observed the Authority is conducting committee meetings "virtually" and in "Hybrid" settings (per committee meeting minutes). Section 102 (1) of Open Meetings Law (OML) (Public Officers Law, Article 7), defines a "meeting" as the official convening of a public body for the purpose of conducting public business, including the use of videoconferencing for attendance and participation by the members of the public body. Section 102 (2) of OML defines a "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 general construction law, or committee or subcommittee or other similar body consisting of members of such public body." The intention of OML, also known as the "Sunshine Law", is to promote openness and transparency. This law applies to regular, committee, and subcommittee meetings.

Section 103-a of OML does allow for public bodies to use videoconferencing provided that ***all necessary criteria are met*** (see items 1-9 below).

1. A resolution following a public hearing that authorizes the use of videoconferencing is adopted.
2. Adopted procedures regarding videoconferencing are posted on the authority's website.
3. Members must be physically present at the meeting except for extraordinary circumstances.
4. Members must be heard, seen, and identified.
5. Meeting minutes must indicate which members participated remotely if any.
6. Public notice must include information to view/participate in videoconference.
7. A recording of the videoconference must be posted on the authority's website within five business days.
8. The public must be able to participate via videoconference in real time.
9. A public authority must maintain an official website.

The Committee on Open Government has also provided guidance on the use of videoconferencing, [chapter-56-of-the-laws-of-2022-guidance-document-061324.pdf](#). This guidance states that "Before the onset of the pandemic in 2020, public bodies routinely held proper open meetings by videoconference from multiple physical locations identified in the meeting notice that were open to the public, connected virtually together by videoconference. This remains proper." The guidance also provides that a public body that wishes to allow for remote attendance by its members at locations that do not allow for in-person physical attendance by the public is required to adopt a resolution authorizing such remote attendance and must establish written procedures that set forth what they determine to be "extraordinary circumstances" as provided for in Section 103-a of OML.

Further, Section 104 (4) of OML states that "If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations."

In reviewing the Authority's website, we were not able to locate committee meeting notices. Therefore, it is unclear if the Authority is complying with OML when using videoconferencing for its committee meetings, in accordance with Section 103-a and Section 104 (4) of OML.

Please provide us with a detailed explanation describing how the Authority is complying with OML for videoconferencing its committee meetings. Additional information concerning board meetings can be found in our [Board Meetings Best Practice Guide](#). In addition, please provide us with a written confirmation that you have fully addressed the attached website concerns. You may view Policy Guidance No. 22-01: "Posting and Maintaining Reports on Public Authority Websites" at www.abo.ny.gov. Please provide both responses by February 10, 2025. If you have any additional questions, please contact us at info@abo.ny.gov.

Sincerely,



Ann Maloney
Acting Director

Enclosure

cc: James Farley, Chair, Riverhead IDA Economic Job Development Corporation

Review of Riverhead IDA Economic Job Development Corporation's Website

Information To Be Posted on Public Authority's Website	Posted on Website (Yes/No)
Mission Statement	Yes
Certificate of Incorporation	No
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	No, most recent report is 2019
List of LDC Board Members - including appointing entity, appointment dates, and term	Yes, but appointing entity, appointment dates, and terms are not included
Each LDC board member's current employment and professional background	Yes
List of Committees and Committee Members	Yes
Executive Management Team - including professional background and qualifications	No
Authority Performance Measures	No, most recent is 2020
Annual Performance Evaluation indicating status of Performance Measures	No
Authority Schedule of Debt (including conduit debt)	No
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	No, most recent assessment is from 2015
Board meeting schedule	Yes
Board meeting notice	Yes
Board agendas	Yes
Board packets	Yes
Board meeting minutes	Yes, but not all
Board meeting webcasting and video recordings	Yes, included with IDA recordings but should be separate
Board resolutions	Yes, located in meeting minutes
Committee meeting schedule	No
Committee meeting notice	No
Committee meeting agendas	No
Committee meeting packets	No
Committee meeting minutes	Yes, but not all
Committee meeting webcasting and video recordings	No
Annual Budget Report and details of 4-year financial plan	No, most recent report is 2020
Annual Independent Certified Financial Audit	No, most recent report is 2019
Independent Auditor's Report on Internal Controls over Financial Reporting	No, most recent report is 2019
Independent audit management letter	No
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	No
Property Acquisition Policies	No
Property Disposition Policies	No
List of Real Property owned by the Authority	No, most recent list is 2018
Personal Property Transactions	No
Real Property Transactions	No
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	No

*Review conducted by the Authorities Budget Office between October 7, 2024 and October 9, 2024