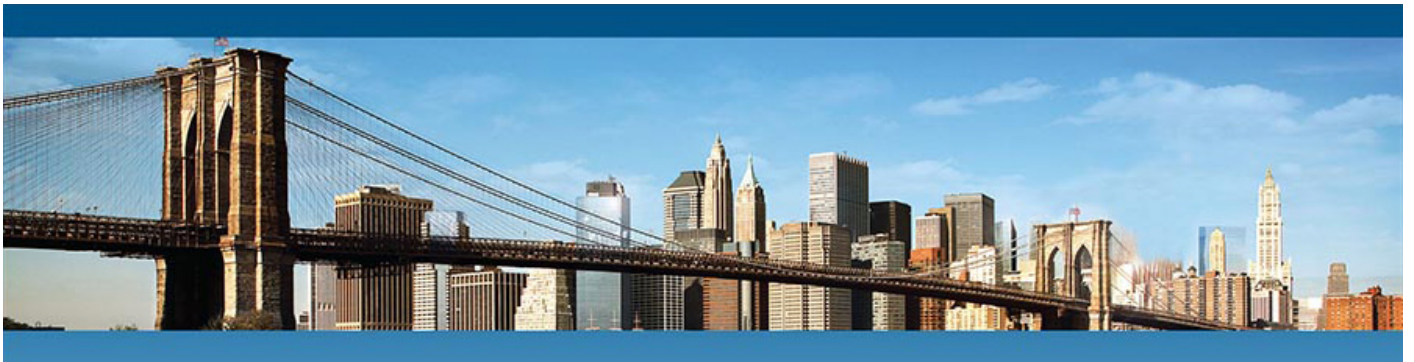


City of New York

OFFICE OF THE COMPTROLLER

Scott M. Stringer
COMPTROLLER



FINANCIAL AUDIT

Marjorie Landa

Deputy Comptroller for Audit

Audit Report on the Twelve Bronx
Community Boards' Compliance with
New York City Charter and New York
City Administrative Code Requirements
for Public Meetings and Hearings, and
for Websites

FK21-072A

December 30, 2021

<http://comptroller.nyc.gov>



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

December 30, 2021

To the Residents of the City of New York:

My office has audited the Bronx Community Boards' compliance with New York City Charter and related requirements for public meetings, public hearings, and websites. We perform audits such as this to increase transparency and accountability and ensure that the public is afforded the opportunity to participate in local government.

The audit found that the Bronx Community Boards generally complied with the City Charter requirements to set aside time to hear from the public at public meetings and to maintain websites that provide board contact information.

However, the audit found that the Bronx Community Boards did not consistently conduct monthly public hearings, and that certain boards did not consistently conduct monthly general board meetings, set aside time to hear from the public before the board took official action, provide adequate public notice of meetings and hearings, make meetings and hearings available for broadcasting and cablecasting, and publish required meeting minutes on their websites. Additionally, the audit found that not all of the Bronx Community Boards maintained websites that are translatable into the seven most commonly spoken languages in New York City, and that some boards had not fully adopted the protocols needed to make their websites fully accessible for persons with disabilities.

The audit recommends that the Bronx Community Boards: (1) conduct public hearings each month in accordance with the City Charter and, if necessary, seek guidance on compliance; (2) set aside time to hear from the public prior to taking action; (3) ensure that public notice of all general board meetings is given to news media outlets and posted in public locations; (4) ensure that public notice of all public hearings is published in the City's official newspaper or in a newspaper having general circulation within the municipality; (5) take the necessary steps to ensure that all meetings and hearings are made available for broadcasting and cablecasting; (6) provide adequate public notice of upcoming meetings on their websites, including required information; (7) post minutes of meetings for the required 12-month timeframes on their websites; and (8) contact DoITT and website platform vendors to ensure that their websites include a compliant translation feature and are fully accessible to persons with disabilities in accordance with the applicable WCAG 2.0 Level AA standard.

The results of the audit have been discussed with Bronx Community Board officials and their comments have been considered in preparing this report. The Bronx Community Boards' complete written responses are attached to this report.

If you have any questions concerning this report, please e-mail my Audit Bureau at audit@comptroller.nyc.gov.

Sincerely,

Scott M. Stringer

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THE CITY OF NEW YORK OFFICE OF THE COMPTROLLER FINANCIAL AUDIT

Audit Report on the Twelve Bronx Community Boards' Compliance with New York City Charter and New York City Administrative Code Requirements for Public Meetings and Hearings, and for Websites

FK21-072A

EXECUTIVE SUMMARY

Community Boards are established under the New York City Charter (City Charter) Chapter 70, Section 2800(a), which states that “[f]or each community district . . . there shall be a community board.” The Community Boards are local representative bodies authorized by the City Charter to advocate for the residents and needs of their districts. New York City (the City) is divided into 59 community districts, each served by a Community Board.

Several City agencies are responsible for assisting the Community Boards in fulfilling their overall responsibilities, including the respective Borough Presidents, the Civic Engagement Commission, and the Mayor’s Office Community Affairs Unit.

Each Community Board comprises up to 50 non-salaried members, each of whom must reside, work, or have some other significant interest in the district. One of the Community Board members is elected by the other members to serve as the Chairperson. In addition, each Community Board appoints a District Manager and may employ other staff and consultants to fulfill its duties, all of whom are paid by the City. Each Community Board is allocated funds through the City budget to cover staff salaries and non-salary expenses, including rent, utilities, and other miscellaneous expenses.

The Bronx has 12 Community Boards that collectively cover the entire borough.

Audit Findings and Conclusions

The Bronx Community Boards generally complied with the City Charter requirements to set aside time to hear from the public at public meetings and to maintain a website which provides board contact information.

However, our audit found that not all of the 12 Bronx Community Boards complied with the City Charter requirements relating to public meetings and hearings and to maintaining websites. Specifically, we found that none of the 12 Bronx Community Boards consistently conducted

monthly public hearings, and that certain Bronx Community Boards did not consistently conduct monthly general board meetings, did not set aside time to hear from the public before the board took actions such as votes during meetings, did not provide required adequate public notice for meetings and hearings by notifying media outlets and posting notices in physical public locations and on their websites, did not make meetings and hearings available for broadcasting and cablecasting, and did not publish past meeting minutes on their websites.

Additionally, our audit found that not all of the Bronx Community Boards fully complied with New York City Administrative Code (NYC Administrative Code) requirements relating to maintaining websites. Specifically, some Bronx Community Boards did not consistently maintain websites that are translatable into the seven most commonly spoken languages in New York City, and did not maintain websites which were fully accessible for persons with disabilities.

For the majority of findings discussed in the report, the Bronx Community Board officials informed us that the main reasons they are not in compliance are a lack of: (1) guidance, instructions, assistance, and support from the other City agencies that are responsible for assisting the Community Boards; and (2) financial and professional resources necessary to fulfill the requirements.

Audit Recommendations

Based on our findings, we made the following eight recommendations to the Bronx Community Boards. The Bronx Community Boards should:

- Conduct public hearings each month in accordance with the New York City Charter Chapter 70, Section 2800(h) and, if necessary, seek guidance on how to comply with this requirement by contacting the New York City Law Department as well as the other City agencies tasked with providing assistance to the Community Boards—the Bronx Borough President’s Office, the Civic Engagement Commission, and the Mayor’s Office Community Affairs Unit;
- Set aside time to hear from the public prior to taking actions at meetings and hearings;
- Ensure that public notice of all general board meetings is given to news media outlets and posted in public locations;
- Ensure that public notice of all public hearings is published in the official newspaper or in a newspaper having general circulation within the municipality and posted in public locations and includes the date, time and place of the hearing, and a brief statement of the purpose of the hearing;
- Take the necessary steps to ensure that all meetings and hearings are made available for broadcasting and cablecasting, including but not limited to, determining how to obtain access to channels dedicated for governmental use, identifying the associated costs, and allocating or seeking the necessary resources to comply with the City Charter mandate;
- Provide adequate public notice of upcoming meetings on their websites and include information such as the date, time, and location of the meeting as well as the internet address of the website streaming such meeting if applicable;
- Post meeting minutes from meetings for the past 12 months on their websites; and

- Contact DoITT and website platform vendors to ensure that their websites include a translation feature that allows the text of their website to be viewed in the seven most commonly spoken languages in the City and are fully accessible to persons with disabilities as per the WCAG 2.0 Level AA standard.

Agency Responses

On December 6, 2021, we submitted a draft report to the Bronx Community Boards with a request for written comments. We received written responses from Bronx Community Boards #1, #2, #3, #5, #7, #8, #9, and #11. In their responses, Bronx Community Boards #1, #2, #3, #8 and #11 generally agreed with the report's eight recommendations. Bronx Community Boards #5, #7, and #9 addressed only certain report findings and did not address the report's recommendations. We considered Bronx Community Boards #5, #7, and #9's comments and modified the report where warranted. We did not receive written comments in response to the draft report from Bronx Community Boards #4, #6, #10, and #12.

AUDIT REPORT

Background

Community Boards are established under the City Charter Chapter 70, Section 2800(a), which states that “[f]or each community district . . . there shall be a community board.” The Community Boards are local representative bodies authorized by the City Charter to advocate for the residents and needs of their districts. The City is divided into 59 community districts, each served by a Community Board.

Under Chapter 70, Section 2800(d) of the City Charter, Community Boards are responsible for, among other things:

- Considering the needs of the district;
- Preparing and submitting to the Mayor an annual statement of community district needs, capital budget priorities, expense budget priorities, and recommendations and priorities on the allocation and use of funds earmarked for community development activities under City, State, or federal programs;
- Preparing comprehensive and special purpose plans for the growth, improvement, and development of the community district;
- Assisting with capital project planning;
- Vetting land use and zoning proposals; and
- Assisting City departments and agencies in communicating with and transmitting information to the people of the district.

Several City offices are responsible for assisting the Community Boards in fulfilling their overall responsibilities. Under the City Charter, the respective Borough President is responsible for appointing Community Board members for two-year terms and providing training and technical assistance to the Community Boards within the borough. The City Charter also states that “[s]ubject to appropriation, the [C]ivic [E]ngagement [C]ommission shall provide assistance and training to community boards . . . which may include but need not be limited to assistance in utilizing technological tools and assistance in developing uniform meeting procedures.” Additionally, the Mayor’s Office Community Affairs Unit is responsible for assisting Community Boards in carrying out their Charter-mandated responsibilities and coordinating City policies that relate to the Community Boards.

Each Community Board comprises up to 50 non-salaried members, each of whom must reside, work, or have some other significant interest in the district. One of the Community Board members is elected by the other members to serve as the Chairperson. In addition, each Community Board appoints a District Manager and may employ other staff and consultants to fulfill its duties, all of whom are paid by the City.

Community Boards are allocated funds through the City budget to cover staff salaries and non-salary expenses, such as rent, utilities, and other miscellaneous expenses. Table I below provides a breakdown of the total budget allocated for each Bronx Community Board for Fiscal Years 2019,

2020, and 2021 and Table II below provides a breakdown of each Community Board's staffing level as of September 30, 2021.

Table I

Total Budget Allocations for Each
Bronx Community Board (CB)

Bronx Community Board	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021	Percentage Change in Budget Allocation from FY19 to FY21
CB1	\$ 353,546	\$ 358,334	\$ 310,976	-13.7%
CB2	\$ 344,072	\$ 349,956	\$ 342,567	-0.4%
CB3	\$ 352,052	\$ 357,744	\$ 311,861	-12.9%
CB4	\$ 301,866	\$ 305,386	\$ 248,300	-21.6%
CB5	\$ 289,047	\$ 293,567	\$ 237,781	-21.6%
CB6	\$ 288,364	\$ 292,884	\$ 245,167	-17.6%
CB7	\$ 349,140	\$ 353,436	\$ 306,633	-13.9%
CB8	\$ 346,968	\$ 349,522	\$ 303,954	-14.2%
CB9	\$ 358,536	\$ 399,670	\$ 442,266	18.9%
CB10	\$ 361,202	\$ 365,632	\$ 317,623	-13.7%
CB11	\$ 347,123	\$ 352,648	\$ 305,144	-13.8%
CB12	\$ 293,567	\$ 300,409	\$ 254,554	-15.3%

Table II

Total Staffing Level for Each Bronx
Community Board (CB) as of
September 30, 2021¹

Bronx Community Board	District Managers	Assistant District Managers	Community Coordinators	Community Associates/ Assistants/ Aides	Total Board Staff
CB1	0	0	1	0	1
CB2	1	0	1	1	3
CB3	0	1	0	0	1
CB4	1	0	0	2	3
CB5	1	0	1	1	3
CB6	1	0	1	1	3
CB7	1	0	1	1	3
CB8	1	0	1	1	3
CB9	1	1	0	1	3
CB10	1	0	0	4	5
CB11	1	0	2	0	3
CB12	1	0	1	0	2

The Bronx has 12 Community Boards that collectively cover the entire borough. Table III below lists the neighborhoods served by each of the Bronx Community Boards, and the Illustration that follows provides a map of the Bronx community districts.

¹ Table II includes full-time and part-time staff who were employed by the City and paid with City funds as reported in the City's Payroll Management Systems as of September 30, 2021.

Table III

Neighborhoods Served by Each
Bronx Community Board (CB)²

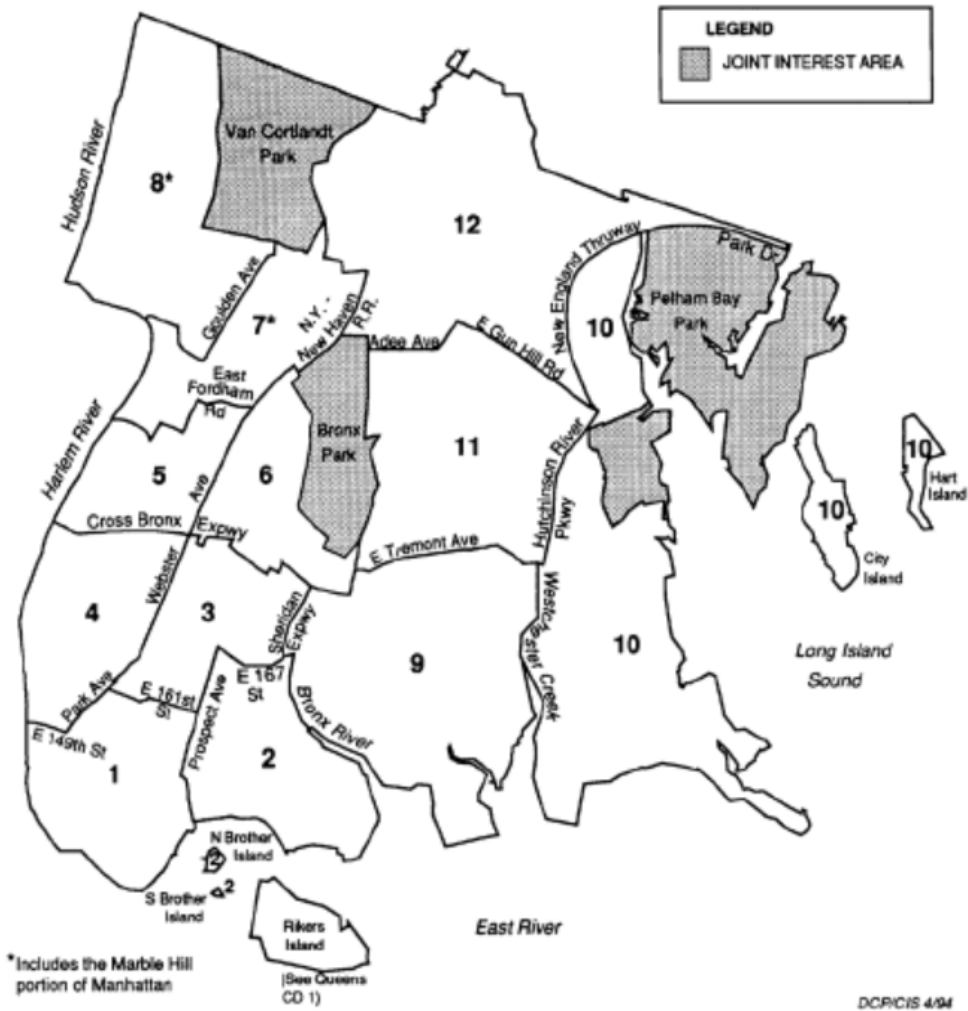
Bronx Community Board	Neighborhoods Served
CB1	Melrose, Mott Haven, Port Morris
CB2	Hunts Point, Longwood
CB3	Claremont, Crotona Park East, Melrose, Morrisania
CB4	Concourse, Concourse Village, East Concourse, Highbridge, Mount Eden
CB5	Fordham, Morris Heights, Mount Hope, University Heights
CB6	Bathgate, Belmont, Bronx Park South, East Tremont, West Farms
CB7	Bedford Park, Fordham, Kingsbridge Heights, Norwood, University Heights
CB8	Fieldston, Kingsbridge, Marble Hill (MN), North Riverdale, Riverdale, Spuyten Duyvil
CB9	Bronx River, Castle Hill, Clason Point, Harding Park, Parkchester, Soundview, Soundview-Bruckner, Unionport
CB10	City Island, Co-op City, Country Club, Edgewater Park, Pelham Bay, Schuylerville, Throgs Neck, Westchester Square
CB11	Allerton, Bronxdale, Indian Village, Morris Park, Pelham Gardens, Pelham Parkway, Van Nest
CB12	Baychester, Eastchester, Edenwald, Olinville, Wakefield, Williamsbridge, Woodlawn

² Source: The New York City Department of City Planning Community District Profiles. Some neighborhoods may be in multiple districts.

Illustration

Map of Bronx Community Districts³

COMMUNITY DISTRICT (CD) MAP: BRONX



³ Source: The New York City Community Boards Handbook 2015.

Objectives

The objectives of this audit were to determine whether each of the 12 Bronx Community Boards complied with:

(1) The New York City Charter Chapter 70, Section 2800(h), which requires Community Boards to meet and hold public hearings at least once per month (except for the months of July and August), to give adequate public notice for meetings and hearings, to make meetings and hearings available for broadcasting and cablecasting, and to set aside time for the public to speak at meetings;

(2) The New York City Charter Chapter 70, Section 2800(d)(22), which requires Community Boards "[w]ith assistance and support from the department of information technology and telecommunications, [to] maintain a website that provides adequate public notice of upcoming meetings, minutes from past meetings for the past twelve months, and contact information for the board";

(3) The New York City Administrative Code, Section 23-801, which states that "[e]very website maintained by or on behalf of the city or a city agency shall include a translation feature for viewing the text of that website, wherever practicable, in . . . the seven most commonly spoken languages within the city"; and

(4) The New York City Administrative Code, Section 23-802(a), which states that "[t]he mayor or the mayor's designee shall adopt a protocol for websites maintained by or on behalf of the city or a city agency relating to website accessibility for persons with disabilities."

Scope and Methodology Statement

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

This audit covered the period of June 1, 2019 through September 30, 2021. Please refer to the Detailed Scope and Methodology at the end of this report for the specific procedures and tests that were conducted.

Discussion of Audit Results

The matters covered in this report were discussed with officials from each of the Bronx Community Boards during and at the conclusion of this audit. A preliminary draft report was sent to the Bronx Community Boards and discussed at an exit conference on November 8, 2021. On December 6, 2021, we submitted a draft report to the Bronx Community Boards with a request for written comments. We received written responses from Bronx Community Boards #1, #2, #3, #5, #7, #8, #9, and #11. In their responses, Bronx Community Boards #1, #2, #3, #8, and #11 generally agreed with the report's eight recommendations.

In its response, Bronx Community Board #8 stated, “I will also share disappointment that the proper contact the Bronx Borough President’s Office was not included in the exit memo meeting or any part of this process and as you know the Borough President’s Office is often where Community Boards receive guidance.” However, contrary to Bronx Community Board #8’s assertion, the Bronx Borough President’s Office was invited to the audit entrance conference, received copies of the preliminary draft report and draft report, and was invited to the exit conference.

Bronx Community Boards #5, #7, and #9 addressed only certain report findings and did not address the report’s recommendations.

Specifically, Bronx Community Board #5 stated that the board set aside time to hear from the public prior to taking actions at its September 2020 general board meeting, posted meeting notices in public locations, and posted the minutes for the February 2020 general board meeting on its website.

With respect to setting time aside to hear from the public at Bronx Community Board #5’s September 2020 general board meeting, we modified our finding because the board did not take action at the September 2020 general board meeting. Rather, the board voted only to defer taking action on a letter of support to a subsequent meeting.

Regarding meeting notices, Bronx Community Board #5 stated that “agendas for all meetings are sent electronically to the Davidson Community Center (among other recipients). The Davidson center as a matter of routine does post notice of meetings in their door facing the public.” However, the requirement to post public notice is the responsibility of the Community Boards themselves. The New York State Department of State, Committee on Open Government, Open Meetings Law, Advisory Opinion #4895 states that “[i]n order to comply with the various provisions of the Open Meetings Law, **the Board should . . . designate one or more physical locations at which it will post notice** of the time and place of its meetings.” [Emphasis added.]

As to posting meeting minutes, the report states that the February 2020 general board meeting minutes were not posted on the Bronx Community Board #5 website when we conducted our initial review in June 2020. Further, the report acknowledges that those minutes are now posted on the Bronx Community Board #5 website.

Regarding public hearings, Bronx Community Board #5 stated

We, among other Boards, were criticized for not having sufficient Public Hearings. How can we have a public meeting if there is no appropriate content for such a hearing? We do have meetings every mo[n]th (save July and August). However, there is only contact routinely for hearings during the CB budget recommendations. Otherwise, a public hearing would be in response to a non-recurring item, such as a ULURP application.

With respect to the frequency of public hearings, the City Charter states that, except for the months of July and August, Community Boards are required to “conduct at least one public hearing each month.” The City Charter further specifies matters for such public hearings, such as each district’s capital needs, expense budget needs, the use of community development funds, City facilities, land use, and other matters relating to the welfare of the district and its residents.

In its response, Bronx Community Board #7 provided meeting minutes for its June 2020 general board meeting. Therefore, we modified our finding and credited Bronx Community Board #7 for

conducting a general board meeting in June 2020. As a result, that board was credited with conducting all of the required general board meetings included in our review.

Additionally, Bronx Community Board #7 stated, “We do have minutes on our site for: September 2019, February 2020, April 2020, and May 2020.” Bronx Community Board #7 provided supporting documentation to show that the February 2020 and May 2020 meeting minutes, which were not posted on its website during our initial review, are currently posted on its website. However, Bronx Community Board #7 did not provide documentation to show that it subsequently posted meeting minutes for September 2019. (The meeting minutes for April 2020 were not included in our finding.)

Regarding public hearings, Bronx Community Board #7 stated, “We host Public Sessions at every General Board Meeting and take issue with the Comptroller’s findings that Public Sessions do not satisfy the Public Hearings requirement. Therefore, we will change the name of our Public Sessions to ‘Public Hearings’ since it has been clarified by the law department.” However, the public session portion of a general board meeting, in which the public is invited to share comments and concerns on any matter, does not constitute a public hearing because “[a] hearing is generally held to provide members of the public with an opportunity to express their views concerning a particular subject, such as a proposed budget, a local law or a matter involving land use.” Further, the Law Department advised Community Boards that

many public hearings conducted by City agencies, such as rulemaking hearings, ULURP hearings or revocable consent hearings, are by their nature limited to a single subject or set of related subjects. In addition, it is highly desirable that community boards follow substantially similar practices in conducting their public hearings, so that members of the public are afforded as uniform opportunity to be heard in all community districts. Therefore, it is recommended that community boards take into account the following when conducting their public hearings. . . . In the portion of the agenda devoted to the public hearing, the community board list certain discrete subjects with regard to which it would be interested [to] hear the views of members of the public.

In its response, Bronx Community Board #9 stated that the board “did not have on record minutes for February 2020 General Board Meeting due to the Covid-19 outbreak” However, in the absence of documentary evidence such as meeting minutes or video recordings, we cannot be reasonably assured that Bronx Community Board #9 conducted a general board meeting in February 2020. Regarding public hearings, Bronx Community Board #9 stated that it “takes issue with the Comptroller’s findings that Public Sessions do not satisfy the Public Hearings mandate.” Concerning that point, this report cites the differences between a public hearing and a public meeting. The public session portion of a general board meeting, in which the public is invited to share comments and concerns on *any* matter, does not constitute a public hearing. The New York State Department of State, Committee on Open Government, Open Meetings Law, Advisory Opinion #3834 states that “[a] hearing is generally held to provide members of the public with an opportunity to express their views concerning a particular subject, such as a proposed budget, a local law or a matter involving land use.”

We did not receive written comments in response to the draft report from Bronx Community Boards #4, #6, #10, and #12.

The full text of the responses received from Bronx Community Boards #1, #2, #3, #5, #7, #8, #9, and #11 are included as an addendum to this report. Several Bronx Community Boards referenced a letter the New York City Law Department sent to the Manhattan Community Boards, at the

request of those boards, concerning several issues that the draft report covered. The full text of the Law Department's letter is included in the addendum to this report.

FINDINGS AND RECOMMENDATIONS

The Bronx Community Boards generally complied with the City Charter requirements to set aside time to hear from the public at public meetings, and to maintain a website which provides board contact information.

However, our audit found that not all of the 12 Bronx Community Boards complied with the City Charter requirements relating to public meetings and hearings and to maintaining websites. Specifically, we found that none of the 12 Bronx Community Boards consistently conducted monthly public hearings, and that certain Bronx Community Boards did not consistently conduct monthly general board meetings, did not set aside time to hear from the public before the board took actions such as votes during meetings, did not provide adequate public notice for meetings and hearings by notifying media outlets and posting notices in physical public locations and on their websites, did not make meetings and hearings available for broadcasting and cablecasting, and did not publish past meeting minutes on their websites.

Additionally, our audit found that not all of the Bronx Community Boards fully complied with NYC Administrative Code requirements relating to maintaining websites. Specifically, some Bronx Community Boards did not consistently maintain websites that are translatable into the seven most commonly spoken languages in New York City, and did not fully adopt the protocols required to make their websites accessible for persons with disabilities.

These findings are discussed in the following sections of the report. For the majority of findings discussed in the report, the Bronx Community Board officials informed us that the main reasons they are not in compliance are a lack of: (1) guidance, instructions, assistance, and support from the other City agencies that are responsible for assisting the Community Boards; and (2) financial and professional resources necessary to fulfill the requirements.

Bronx Community Boards Did Not Fully Comply with City Charter Requirements for Public Meetings and Public Hearings

Boards Did Not Consistently Conduct Monthly General Board Meetings and Public Hearings

Section 102(1) of the Open Meetings Law defines a meeting as “the official convening of a public body for the purpose of conducting public business.” Furthermore, Section 109 of the Open Meetings Law states that “[t]he committee on open government . . . shall issue advisory opinions from time to time as, in its discretion, may be required to inform public bodies and persons of the interpretations of the provisions of the open meetings law.” The New York State Department of State, Committee on Open Government, Open Meetings Law, Advisory Opinion #3834 defines “meetings” and “hearings” to differentiate the purpose and function of each:

A meeting is different from a hearing. A meeting is generally a gathering of quorum of a public body for the purpose of discussion, deliberation, and potentially taking action within the scope of its powers and duties. A hearing is generally held to provide members of the public with an opportunity to express their views

concerning a particular subject, such as a proposed budget, a local law or a matter involving land use. [Emphasis added.]

The New York State Division of Local Government Services guidance titled “Conducting Public Meetings and Public Hearings” also states that public hearings are held to allow the public to speak on particular matters as follows:

A public hearing is an official proceeding of a governmental body or officer, during which the public is accorded the right to be heard. . . . Many public hearings are required by law **on particular matters**, such as those that must be held prior to adoption of a local law, or prior to a determination by a planning board Many others need only be held at the option of a public body, because it may desire merely to gauge public opinion **on a matter**. [Emphases added.]

Per Chapter 70, Section 2800(h) of the City Charter, Community Boards are required to hold both a meeting and a public hearing each month except July and August: “Except during the months of July and August, each community board shall meet at least once each month within the community district **and conduct at least one public hearing each month.**” [Emphasis added.] The City Charter states that each Community Board shall hold public hearings on matters affecting the district including (1) capital needs and departmental estimates, (2) expense budget needs and estimates, (3) the allocation and use of funds earmarked for community development activities under City, State, or federal programs, (4) the Citywide statement of needs which identifies City facilities which the City intends to open, expand, close, or significantly reduce in size or service capacity, and (5) public agencies’ and private entities’ applications and proposals for the use, development, or improvement of land. Further, the City Charter states that each Community Board shall, at its discretion, hold public hearings on any matter relating to the welfare of the district and its residents.

However, based on our review of general board meeting minutes for the period September 2019 through November 2020, 7 of the 12 Bronx Community Boards did not consistently hold monthly general board meetings as detailed in Table IV below (Bronx Community Boards #1, #2, #4, #9, #10, #11, and #12).

Additionally, based on our review of public hearing minutes for the period September 2019 through November 2020, all 12 Bronx Community Boards failed to conduct at least one public hearing each month as detailed in Table V below. Furthermore, 3 of the 12 Bronx Community Boards did not conduct *any* public hearings (Bronx Community Boards #2, #9, and #12).

Table IV

Analysis of Monthly General Board Meetings for the Period September 2019 through November 2020⁴

Month	General Board Meeting Held (Yes/No)											
	CB1	CB2	CB3	CB4	CB5	CB6	CB7	CB8	CB9	CB10	CB11	CB12
September 2019	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
October 2019	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
November 2019	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
December 2019	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	No	No
January 2020	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
February 2020	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No
March 2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
April 2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
May 2020	No	No	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
June 2020	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
July 2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
August 2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
September 2020	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
October 2020	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
November 2020	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Total Meetings Conducted	9	10	11	8	11	11	11	11	8	10	10	9
Total Meetings Not Conducted	2	1	0	3	0	0	0	0	3	1	1	2

⁴ As previously stated, Community Boards are not required to hold public meetings and hearings in the months of July and August. Therefore, we excluded the months of July 2020 and August 2020 from our analysis. Additionally, due to the COVID-19 pandemic, we judgmentally excluded the months of March 2020 and April 2020 from our analysis. In total, we reviewed 11 months—September 2019 through February 2020, May 2020, June 2020, and September 2020 through November 2020.

Table V

Analysis of Monthly Public Hearings
for the Period September 2019
through November 2020

Month	Public Hearing Held (Yes/No)											
	CB1	CB2	CB3	CB4	CB5	CB6	CB7	CB8	CB9	CB10	CB11	CB12
September 2019	No	No	No	No	No	No	No	No	No	Yes	No	No
October 2019	No	No	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No
November 2019	No	No	Yes	No	No	Yes	No	No	No	No	No	No
December 2019	No	No	No	No	No	No	No	No	No	No	No	No
January 2020	No	No	No	No	No	No	No	No	No	No	No	No
February 2020	No	No	No	No	No	No	No	Yes	No	No	No	No
March 2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
April 2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
May 2020	No	No	No	No	No	No	No	No	No	No	No	No
June 2020	No	No	No	No	No	No	No	No	No	No	No	No
July 2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
August 2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
September 2020	No	No	No	No	No	No	No	No	No	No	No	No
October 2020	No	No	No	No	Yes	No	No	Yes	No	Yes	Yes	No
November 2020	Yes	No	Yes	Yes	No	Yes	No	No	No	Yes	No	No
Total Hearings Conducted	1	0	2	2	2	2	1	3	0	4	2	0
Total Hearings Not Conducted	10	11	9	9	9	9	10	8	11	7	9	11

Some Community Board officials maintained that they did not conduct public meetings and hearings in March 2020 due to the COVID-19 pandemic and a lack of access to virtual meeting platforms. However, on March 12, 2020, New York State Executive Order 202.1 suspended the portion of New York State law requiring meetings to take place in person, and authorized public meetings to be held virtually. As previously mentioned, we considered the COVID-19 pandemic and judgmentally excluded the months of March and April 2020 from compliance testing. We are aware of no facts that would have prevented Community Boards from obtaining access to virtual meeting platforms by May 2020, since Community Boards were continuously required to meet.

After we presented our findings to the Bronx Community Boards, the Bronx Community Board #12 District Manager stated that with regard to the monthly general board meetings, the board did not meet in February 2020 because of the COVID-19 pandemic, as the board holds their general board meeting on the fourth Thursday of each month, and New York State did not update the virtual meeting requirements until March.

With regard to monthly public hearings, some Bronx Community Board officials stated that the public is afforded the opportunity to speak on any topic during the “public session” at each general board meeting and at committee meetings. Some Bronx Community Board officials stated that the boards hold several committee meetings each month and that the committee meetings in

some cases could constitute a public hearing because they are discussing particular matters such as liquor license applications and other applications before the board. Specifically, Bronx Community Board #8 provided agendas for several of its committee meetings and stated that “there are many items that come before the Land Use Committee, Traffic & Transportation Committee & Public Safety Committee that require public hearings. For instance, if there is a zoning application, the Land Use Committee holds a public hearing on the item. When there is a liquor license application or renewal, the Public Safety Committee holds a hearing and when there is a traffic proposal or issue there is a public hearing at Traffic & Transportation.”

Additionally, some Bronx Community Board officials stated that holding monthly public hearings may not be practicable because the boards may not have a specific matter to discuss each month and that boards hold public hearings when warranted. Some Bronx Community Board officials also noted that some of the matters they are required to hold public hearings on were suspended during the COVID-19 pandemic, such as Uniform Land Use Review Procedures (ULURP) and liquor license applications.

Lastly, some Bronx Community Board officials stated that boards lack the resources to satisfy this requirement and do not receive training, guidance, and instruction from the agencies that are responsible for assisting them.

However, as previously noted, the City Charter states that, except for the months of July and August, Community Boards are required to “conduct at least one public hearing each month” on matters such as capital needs, expense budget needs, the use of community development funds, City facilities, land use, and other matters relating to the welfare of the district and its residents.

Additionally, the public session portion of a general board meeting, in which the public is invited to share comments and concerns on any matter, does not constitute a public hearing because “[a] hearing is generally held to provide members of the public with an opportunity to express their views concerning a particular subject, such as a proposed budget, a local law or a matter involving land use.”

In regard to committee meetings, while some Bronx Community Boards held committee meetings concerning various topics, the Bronx Community Boards that this report cites as not having conducted a required public hearing each month did not provide evidence that they held topic-specific hearings (during a committee meeting or other meeting) in which the public was given an opportunity to express their views on a particular matter.

In regard to the suspension of ULURP, the Mayor’s Office announced on March 16, 2020, that it was suspending ULURP as a result of the COVID-19 pandemic. However, on July 15, 2020, the Mayor’s Office announced that the ULURP procedures would begin again in August 2020 and the suspension of ULURP would be lifted in September 2020. Specifically, the Mayor’s Office stated that “[t]his staggered restart is aimed at helping ensure that the City’s 59 community boards, which must adhere to ULURP’s timeline but often do not meet during summer months, are ready to host remote public meetings as soon as the clock restarts.” Therefore, since we did not include March and April 2020 in our review because of the COVID-19 pandemic, and the Community Boards are not required to meet in July and August, the only months included in our review which were affected by the suspension of ULURP were May and June 2020.

With regard to Bronx Community Board officials’ assertion that they lack training, guidance, and instruction, the New York State Division of Local Government Services guidance titled “*Conducting Public Meetings and Public Hearings*” notes that “[w]here local officials require guidance on particular public hearing and notice requirements associated with municipal

business, they should contact the municipal attorney for advice.” Therefore, the Bronx Community Boards should seek advice from the New York City Law Department as well as the other City agencies tasked with providing assistance to the Community Boards to ensure that boards comply with the Charter mandate to hold a public hearing each month.

Since the 12 Bronx Community Boards did not consistently comply with the City Charter requirement to conduct public meetings and hearings at least once per month, the public may not have been informed of and allowed to express their views on issues affecting their district including, among other things, land use and zoning proposals, capital projects, capital budget and expense during Meetings

Two Boards Did Not Set Aside Time for the Public to Speak before the Boards Took Actions

Chapter 70, Section 2800(h) of the City Charter states that “[a]t each public meeting, the board shall set aside time to hear from the public.” Additionally, as previously mentioned, one of the key responsibilities of the Community Boards is to consider the needs of the district. For the September 2020 general board meetings, all of the Bronx Community Boards set aside time to hear from the public. However, we found two Bronx Community Boards set aside time to hear from the public after, rather than before, the boards had discussed and voted on matters affecting the district (Bronx Community Board #7 and #11). For example, during the September 2020 general board meetings for Bronx Community Board #7 and #11, prior to hearing from the public, the board members discussed and voted on amendments to by-laws, street renaming, training for board members, and letters in support of various matters affecting the district. Furthermore, these two boards did not hold any public hearings during September 2020 to discuss these matters. budget priorities, and programs and services.

Since Bronx Community Board #7 and #11 did not set aside time to hear from the public before the boards voted, the people of each district may not have been afforded a meaningful opportunity to comment and express their views to the full board, that is, an opportunity to do so before the board voted and took actions on those matters.

Most Boards Did Not Provide Adequate Public Notice of Meetings and Hearings

Chapter 70, Section 2800(h) of the City Charter states that “[e]ach board shall give adequate public notice of its meetings and hearings.” Further, the New York State Public Officers Law, Article 7, Open Meetings Law, Section 104, states that

1. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given or electronically transmitted to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two hours before such meeting.
2. Public notice of the time and place of every other meeting shall be given or electronically transmitted, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto. . . .

6. When a public body has the ability to do so, notice of the time and place of a meeting given in accordance with subdivision one or two of this section, shall also be conspicuously posted on the public body's internet website.

In addition, the New York State Department of State, Committee on Open Government, Open Meetings Law, Advisory Opinion #4895 states that “[i]n order to comply with the various provisions of the Open Meetings Law, the Board should . . . designate one or more **physical locations** at which it will post notice of the time and place of its meetings.” [Emphasis added.]

However, 8 of the 12 Bronx Community Boards do not provide adequate public notice of general board meetings because they reported that they do not notify news media outlets (Bronx Community Boards #1, #2, #4, and #5) and/or do not post notices in public locations (Bronx Community Boards #1, #2, #3, #4, #5, #6, #10, and #12).

Our audit also found that certain Bronx Community Boards did not provide adequate public notice of public hearings. According to the New York State Department of State guidance titled *Conducting Public Meetings and Public Hearings*, “Legal notice of the hearing should be published in the official newspaper, if there is one, or in a newspaper having general circulation within the municipality, as required by law. A public notice should be posted on the official bulletin board or signboard, and in other places as required by law.” The New York State Division of Local Government Services guidance titled “Conducting Public Meetings and Public Hearings” also details public notice requirements for public hearings and states that “[l]egal notice of the hearing should be published in the official newspaper, if there is one, or in a newspaper having general circulation within the municipality,” and that “all notices of public hearings must, at a minimum, include . . . the date, time and place of the hearing; and . . . a brief statement of its purpose.”

However, of the nine Bronx Community Boards that conducted public hearings, seven did not provide adequate public notice for public hearings because they reported that they do not publish notice of public hearings in the newspaper (Bronx Community Boards #6 and #11), do not post notices in public locations (Bronx Community Boards #3, #4, #5, #6, and #10), or do not provide *any* public notice of public hearings at all (Bronx Community Board #1). Because the remaining three Bronx Community Boards (#2, #9, and #12) did not conduct any public hearings during the 14-month period September 2019 through November 2020, they also did not provide public notice of any such hearings.

After we presented our findings to the Bronx Community Boards, some Bronx Community Board officials stated that they do not have the financial and professional resources to meet this requirement and that the boards are not receiving guidance on these matters from the City agencies that are responsible for assisting them. However, as previously stated, the boards should therefore seek guidance from the City agencies that are responsible for assisting them and identify the associated costs, and allocate or seek the necessary resources to comply with public notice requirements for public meetings and hearings.

Furthermore, some of the Bronx Community Board officials noted that they can send notice of a public hearing to a newspaper but the Community Board does not have control over what the newspaper publishes. However, as previously stated, while the requirement for general board meetings is that public notice should be “given or electronically transmitted to the news media,” the requirement for public hearings is that “[l]egal notice of the hearing should be **published** in the official newspaper, if there is one, or in a newspaper having general circulation within the municipality.” [Emphasis added.]

Additionally, Bronx Community Board #10 stated that the board “give[s] adequate notice of our meetings every month at the end of each month by our calendar. Our calendars listed all meeting information. . . . This document is also uploaded to our Bronx Community Board #10 Facebook.” However, both the Community Board website and Facebook page do not constitute a public location according to the New York State Open Meetings Law which states that “[i]n order to comply with the various provisions of the Open Meetings Law, the Board should . . . designate one or more **physical locations** at which it will post notice of the time and place of its meetings.” [Emphasis added.]

Since most of the 12 Bronx Community Boards did not consistently provide adequate public notice of meetings and hearings, the public may not have been aware of public meetings and hearings and afforded the opportunity to observe and participate in Community Board discussions, deliberations, and actions, and to express their views concerning issues affecting their district.

Board #5 Response: “There is a comment that Community Boards did not post notices of meetings. In response, agendas for all meetings are sent electronically to the Davidson Community Center (among other recipients). The Davidson center as a matter of routine does post notice of meetings in their door facing the public.”

Auditor Comment: The requirement to post the public notice is the responsibility of the Community Boards themselves, and not the other external recipients. In that regard, the above-cited New York State Department of State, Committee on Open Government, Open Meetings Law, Advisory Opinion #4895 states, “In order to comply with the various provisions of the Open Meetings Law, the Board should . . . designate one or more **physical locations at which it will post notice** of the time and place of its meetings.” [Emphasis added.] Further, Advisory Opinion #4895 states that “[t]he requirement that notice of a meeting be ‘posted’ in one or more ‘designated’ locations, in our opinion, mandates that a public body, by resolution or through the adoption of policy or a directive, select one or more specific locations where notice of meetings will consistently and regularly be posted.”

Most Boards Did Not Make Meetings and Hearings Available for Broadcasting and Cablecasting

New York City Charter Chapter 70, Section 2800(h), states that “[e]ach board . . . shall make such meetings and hearings available for broadcasting and cablecasting.” Chapter 47, Section 1063(a) of the City Charter states that “[a]ll future cable franchises and franchise renewals shall require (i) that channels be designated for governmental use.”

However, 7 of the 12 Bronx Community Boards reported that they do not make their meetings and hearings available for broadcasting on the radio or on the internet (Bronx Community Boards #1, #4, #5, #7, #8, #9, and #10). The remaining five Bronx Community Boards reported that they broadcast their meetings by livestreaming meetings and hearings on their social media platforms including Facebook and YouTube (Bronx Community Boards #2, #6, and #11) or on cable television (Bronx Community Boards #3 and #12).

Five Bronx Community Boards reported that they were not aware of the City Charter requirement to make meetings and hearings available for broadcasting and cablecasting. After we presented our findings to the Bronx Community Boards, some Bronx Community Board officials stated that they lack the technical expertise and funding to comply with the broadcasting and cablecasting requirements and that they have not been given guidance and instruction from other City agencies, that are responsible for assisting them, in regard to what would constitute broadcasting

and cablecasting and how it can be accomplished. Furthermore, some Bronx Community Board officials noted that the Community Boards cannot take any actions without approval and a vote from the board members. However, as previously noted, Chapter 47, Section 1063(a) of the City Charter states that “[a]ll future cable franchises and franchise renewals shall require (i) that channels be designated for governmental use.” The boards should therefore seek guidance from the City agencies that are responsible for assisting them and determine how they can obtain such access, identify the associated costs, and allocate or seek the necessary resources to comply with the City Charter mandate. Since the Bronx Community Boards did not consistently make meetings and hearings available for broadcasting and cablecasting, the public may not have been able to observe Community Board discussions, deliberations, and actions.

Since the Bronx Community Boards did not consistently conduct public hearings, properly notify the public of meetings and hearings, and make meetings and hearings available for broadcasting and cablecasting, the Bronx Community Boards increased the risk that the public may not have been informed of issues affecting their district and thereby limited the public’s ability to participate in local government. As stated in the New York State Department of State, Committee on Open Government, Open Meetings Law, Section 100:

The people must be able to remain informed if they are to retain control over those who are their public servants. It is the only climate under which the commonwealth will prosper and enable the governmental process to operate for the benefit of those who created it.

Recommendations

The Bronx Community Boards should:

1. Conduct public meetings and hearings each month in accordance with the New York City Charter Chapter 70, Section 2800(h) and, if necessary, seek guidance on how to comply with this requirement by contacting the New York City Law Department as well as the other City agencies tasked with providing assistance to the Community Boards—the Bronx Borough President’s Office, the Civic Engagement Commission, and the Mayor’s Office Community Affairs Unit;

Board #1 Response: “The board will adopt the recommendations of the audit report to;

Conduct public meetings and hearings each month in accordance with the New York City Charter Chapter 70, Section 2800 (h) and, if necessary, seek guidance on how to comply with the requirement by contacting the New York City Law Department as well as other City agencies tasked with providing assistance to Community Boards.”

Board #2 Response: “Bronx Community Board 2 has started to take the necessary corrective measures to comply with the Audit findings. We are now indicating the Public Hearing/Session and the General Full Board meeting as two separate items. The meetings will be on the same day/link but will clearly be separate items.”

Board #3 Response: “Bronx Community Board Three will consistently comply with conducting public hearings once a month in accordance with the New York City Charter Chapter 70, Section 2800(h). On the monthly agendas it will reflect a ‘Public Hearing’, noting the specific matter that the Community Board is

requesting public comment on. The agenda will also reflect when the Public Hearing is Open and when it is Closed. The Public Hearing will occur before any official business is conducted and prior to a vote being taken by the general body. Bronx Community Board Three will publish Public Hearing notices in the City Record monthly. A Public Hearing Notice will be included in the distribution packet and will be posted in public places and on our website. The monthly Agenda and Public Hearing notice will confirm the date, time and place of the Public Hearing, and a brief statement of the purpose of the hearing.”

Board #8 Response: “Bronx Community Board No. 8 holds public hearings in the Land Use Committee, Traffic & Transportation Committee, Public Safety Committee, etc. Affected residents receive notice to committee meetings via posted flyers, emails, USPS mail & social media. I provided information on these hearings in my original response, but do not see it reflected in the final report. In addition, Bronx CB8 hosts the required budget hearings twice a year. Moving forward Public Hearings will be listed more clearly.”

Auditor Comment: We reviewed the documentation submitted by Bronx Community Board #8 and determined that the committee meetings did not constitute public hearings in that they were not topic-specific hearings in which the public was given an opportunity to express their views on a particular matter such as one of the categories of matters for Community Board public hearings that Section 2800 of the City Charter specifies.

Board #11 Response: “In response to the City Charter requirement to ‘conduct at least one public hearing each month,’ Community Board 11 has assumed the corrective action of scheduling a public hearing each month with the first hearing scheduled for December 20, 2021.”

2. Set aside time to hear from the public prior to taking actions at meetings and hearings;

Board #1 Response: “The board will adopt the recommendations of the audit report to . . . [s]et aside time to hear from the public prior to taking actions at meetings and hearings.”

Board #2 Response: Bronx Community Board #2 did not address this recommendation.

Board #3 Response: “Bronx Community Board Three’s meeting Agenda will reflect ‘Public Hearing- Open’ and those requesting to speak will be allowed 2 minutes to discuss their concerns related to the specific matter. The meeting Agenda will also reflect ‘Community Concerns’ in which the community will be allowed 2 minutes to speak on concerns and issues unrelated to the Public Hearing. The Public Hearing and Community Concerns will take place prior to the general body taking any actions at meetings.”

Board #8 Response: “Bronx CB8 has a gallery session at the beginning of every Community Board Meeting and each committee has a designated agenda item for old & new business.”

Board #11 Response: “While it is true that during the September 2020 general board meeting, Community Board 11 set aside time to hear from the public after the Board discussed and voted on matters affecting the district, this was not the case for the entire audit period. It was only beginning in May 2020—during the

COVID-19 pandemic when a New York State Executive Order waived Community Board 11's requirement to hear from the public—that the Board set aside time for the public after some but not necessarily all discussion and voting. After the Board heard from the public during these meetings, it was made clear that the Board could revisit any topic of importance under 'old business' before the meeting concluded. But because of overwhelming complaints from the public and some board members, Community Board 11 reassigned its public speaker time slot to the beginning of its general meetings."

Auditor Comment: This report notes that on March 12, 2020, New York State Executive Order 202.1 suspended the portion of New York State law requiring meetings to take place in person, and authorized public meetings to be held virtually. Specifically, New York State Executive Order 202.1 permitted "any public body to meet and take such actions authorized by law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed." The Executive Order did not expressly waive the City Charter requirement for Community Boards "to set aside time for the public to speak at meeting."

3. Ensure that public notice of all general board meetings is given to news media outlets and posted in public locations;

Board #1 Response: "The board will adopt the recommendations of the audit report to . . . [e]nsure that public notice of all general board meetings is given to news media outlets and posted in public locations."

Board #2 Response: Bronx Community Board #2 did not address this recommendation.

Board #3 Response: "Bronx Community Board Three will continue to consistently forward monthly meeting agendas and public hearing notices electronically to news media outlets at least one week prior to meeting. All monthly meeting agendas and Public Hearing notices will consistently be posted in public places and on our website at least one week prior to meeting and not less than 72 hours before the meeting."

Board #8 Response: Bronx Community Board #8 did not address this recommendation.

Board #11 Response: Bronx Community Board #11 did not address this recommendation.

4. Ensure that public notice of all public hearings is published in the official newspaper or in a newspaper having general circulation within the municipality and posted in public locations and includes the date, time and place of the hearing, and a brief statement of the purpose of the hearing; and

Board #1 Response: "The board will adopt the recommendations of the audit report to . . . [e]nsure that public notice of all public hearings is published in the official newspaper or in a newspaper having general circulation within the municipality and posted in public locations and includes the date, time and place of the hearing, and a brief statement of the purpose of the hearing."

Board #2 Response: Bronx Community Board #2 did not address this recommendation.

Board #3 Response: “Bronx Community Board Three will ensure that monthly Public Hearing notices will consistently be published in the City Record and posted in public locations and on our website confirming the date, time, and location as well as the meeting link of the website streaming if applicable of the Public Hearing, and a brief statement of the purpose of the hearing, at least one week prior to meeting and not less than 72 hours before the meeting.”

Board #8 Response: “Public Hearings are posted in the City Record and shared with media contacts each month. Each notice includes the date, time, location and summary of the agenda item to be discussed.”

Auditor Comment: We note that Bronx Community Board #8 was not cited in the report for deficiencies with public notice. To ensure the board’s continued compliance, public notice for all its meetings and public hearings should, in addition to the steps its written response outlines, be posted physically in a public location, in accordance with New York State Public Officers Law, Article 7, Open Meetings Law, Section 104, which states that “[p]ublic notice of the time and place of a meeting scheduled at least one week prior thereto shall be . . . conspicuously posted in one or more designated public locations at least seventy-two hours before such meeting.”

Board #11 Response: Bronx Community Board #11 did not address this recommendation.

5. Take the necessary steps to ensure that all meetings and hearings are made available for broadcasting and cablecasting, including but not limited to, determining how to obtain access to channels dedicated for governmental use, identifying the associated costs, and allocating or seeking the necessary resources to comply with the City Charter mandate.

Board #1 Response: “The board will adopt the recommendations of the audit report to . . . [t]ake the necessary steps to ensure that all meetings and hearings are made available for broadcasting and cablecasting, including but not limited to, determining how to obtain access to channels dedicated for governmental use, identifying the associated costs, and allocating or seeking the necessary resources to comply with the City Charter mandate.”

Board #2 Response: Bronx Community Board #2 did not address this recommendation.

Board #3 Response: “Bronx Community Board Three will consistently forward monthly meeting agendas and public hearing notices electronically to news media outlets for broadcasting and cablecasting of its meetings and public hearings. Bronx Community Board Three will consistently live stream its monthly meetings on YouTube, which is considered a live broadcast. Bronx Community Board Three will determine how to obtain access to channels dedicated for governmental use, to comply with the City Charter mandate.”

Board #8 Response: “The requirement to broadcast & cablecast meeting was never communicated to Bronx CB8’s District Manager. This is something that Bronx CB8 is unable to afford with its current yearly budget. All meetings are recorded and are public record. The public often requests the recording after

meetings and The CB8 Office is happy to share it. All meeting recordings are archived, per municipal law.”

Auditor Comment: As previously noted, cable franchises require that channels be designated for governmental use. Therefore, the Community Boards should seek guidance from the City agencies that are responsible for assisting them and determine how they can obtain such access, identify the associated costs, and allocate or seek the necessary resources to comply with the City Charter mandate.

Board #11 Response: Bronx Community Board #11 did not address this recommendation.

Board #4, #5, #6, #7, #9, #10, and #12 Responses to Recommendations #1 through #5: Bronx Community Boards #5, #7, and #9 submitted written comments in response to certain draft report findings. However, Bronx Community Boards #5, #7, and #9’s written comments generally did not address the report’s recommendations.

Bronx Community Boards #4, #6, #10, and #12 did not submit written comments in response to the draft report.

Auditor Comment: With regard to recommendations #1 through #5, we reiterate that each of the Bronx Community Boards should conduct public hearings each month in accordance with the City Charter, and if necessary, seek guidance on how to comply with this requirement, set aside time to hear from the public prior to taking actions at all meetings and hearing, post public notice of all general board meetings and public hearings in public locations, ensure that public notice of all public hearings is published in the official newspaper or in a newspaper having general circulation within the municipality, and take the necessary steps to ensure that all meetings and hearings are made available for broadcasting and cablecasting.

Bronx Community Boards Did Not Fully Comply with City Charter and NYC Administrative Code Website Requirements

Three Boards Did Not Provide Adequate Public Notice of Upcoming Meetings

Chapter 70, Section 2800(d)(22) of the City Charter requires Community Boards to maintain a website “[w]ith assistance and support from the department of information technology and telecommunications [DoITT] . . . that provides adequate public notice of upcoming meetings . . . and contact information for the board.” Further, the New York State Public Officers Law, Article 7, Open Meetings Law, Section 104, states that

5. If a meeting will be streamed live over the internet, the public notice for the meeting shall inform the public of the internet address of the website streaming such meeting.

6. When a public body has the ability to do so, notice of the time and place of a meeting given in accordance with subdivision one or two of this section, shall also be conspicuously posted on the public body's internet website.

Our audit found that each of the 12 Bronx Community Boards maintained websites which provided board contact information. However, 3 of the 12 Bronx Community Boards did not provide adequate public notice of their September 2021 general board meeting on their websites. Specifically, we found that the website public notice posted by Bronx Community Boards #2 and #10 did not provide the internet address of the website streaming its September 2021 general board meeting, and Bronx Community Board #12 did not post public notice of its September 2021 general board meeting on its website at all.

Since Bronx Community Boards #2, #10, and #12 did not provide adequate public notice of their September 2021 general board meetings on their websites, the public may not have been aware of the meetings and afforded the opportunity to observe Community Board discussions, deliberations, and actions and to express their views concerning issues affecting their district.

Most Boards Did Not Always Post Meeting Minutes on Their Websites

Chapter 70, Section 2800(d)(22) of the City Charter requires Community Boards to maintain a website, “[w]ith assistance and support from [DoITT] . . . that provides . . . minutes from past meetings for the past twelve months.”

However, based on our review of meeting minutes published on the Bronx Community Board websites for the period June 2019 through May 2020, 10 of the 12 Bronx Community Boards did not post all required meeting minutes on their websites, as detailed in Table VI below. Furthermore, three Bronx Community Boards did not post *any* of the required meeting minutes (Bronx Community Boards #2, #3, and #12).

Table VI

Analysis of Monthly Meeting Minutes
Published for the Period June 2019
through May 2020⁵

Month	Meeting Minutes Published on Bronx Community Board Website (Yes/No)											
	CB1	CB2	CB3	CB4	CB5	CB6	CB7	CB8	CB9	CB10	CB11	CB12
June 2019	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No
July 2019	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
August 2019	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
September 2019	No	No	No	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No
October 2019	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
November 2019	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
December 2019	No Meeting	No	No	No Meeting	Yes	Yes	Yes	Yes	Yes	No Meeting	No Meeting	No Meeting
January 2020	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
February 2020	No	No	No	No	No	Yes	No	Yes	No Meeting	Yes	Yes	No Meeting
March 2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
April 2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
May 2020	No Meeting	No Meeting	No	No Meeting	No	Yes	No	Yes	No Meeting	No	No	No
Total Meetings Conducted	6	7	8	6	8	8	8	8	6	7	7	6
Total Minutes Posted	4	0	0	5	6	8	5	8	5	6	6	0
Total Minutes Not Posted	2	7	8	1	2	0	3	0	1	1	1	6

Some Community Board officials stated, without citing specific examples, that DoITT has not dedicated adequate resources to assist the Community Boards with their website and technical needs. Some Community Board officials also informed us that only one DoITT employee is assigned to assist all 59 Community Boards.

After we presented our findings to the Bronx Community Boards, some Bronx Community Board officials stated that the Community Boards send their meeting minutes to DoITT, and DoITT is responsible for posting the minutes on the Community Board websites. Specifically, Bronx Community Board #10 and #11 provided supporting documentation to show that the boards emailed DoITT in June 2020 and requested that DoITT post the May 2020 general board meeting minutes on the Community Board websites.

Furthermore, while not all meeting minutes were posted on the Community Board websites when we conducted our initial review in June 2020, Bronx Community Boards #3, #10, and #11 provided

⁵As previously stated, Community Boards are not required to hold public meetings and hearings in the months of July and August. Therefore, we excluded the months of July 2019 and August 2019 from our analysis. Additionally, due to the COVID-19 pandemic, we judgmentally excluded the months of March 2020 and April 2020 from our analysis. In total, we reviewed 8 months—June 2019, September 2019 through February 2020, and May 2020.

supporting documentation to show that the meeting minutes which were not posted on their websites during our initial review are currently posted on their websites.

Lastly, Bronx Community Board #5 informed us that the board was unable to post meeting minutes on their website after the office closed in March 2020, and also provided supporting documentation to show that the board asked DoITT to post meeting minutes on September 20, 2021. As of the issuance of this report, the February 2020 general board meeting minutes are now posted on the Bronx Community Board #5's website but the minutes for the May 2020 general board meeting are not.

Board #7 Response: "We do have minutes on our site for: September 2019, February 2020, April 2020, and May 2020."

Auditor Comment: Bronx Community Board #7 provided supporting documentation to show that the February 2020 and May 2020 meeting minutes which were not posted on their websites during our initial review are currently posted on its website. However, Bronx Community Board #7 did not provide documentation to show that it subsequently posted meeting minutes for September 2019. (The meeting minutes for April 2020 were not included in our review.)

Board #9 Response: "Bronx Community Board 9 did not have on record minutes for February 2020 General Board Meeting due to the Covid-19 outbreak which affected the entire staff shortly following this meeting and was followed by an unexpected transition to telework. In addition, Bronx Community Board 9 did not have on record minutes for June 2019 General Board Meeting. During this time Bronx Community Board 9 was forced to relocate into a temporary space, where they are currently still located, due to mandatory building renovations and asbestos abatement. As a result, staff did not have access to equipment such as desktops and phones for several weeks during this transition."

Auditor Comment: While we fully understand that the COVID-19 pandemic disrupted work in public agencies, we took those disruptions into account in conducting this audit, for example, by forgoing review of whether the Community Boards held meetings during March and April 2020. Nevertheless, by the time we obtained meeting minutes from Community Board #9, in June 2020, agencies had a sufficient opportunity to ensure that they created, maintained and disseminated legally required records of their official activities, such as minutes for mandated meetings they had held before the COVID-19 emergency closures.

By the boards' not ensuring that all meeting minutes are posted as required, the public's ability to review discussions and deliberations from, and actions taken at, prior Bronx Community Boards' meetings is limited.

Two Boards Did Not Maintain Websites with a Translation Feature

According to Section 23-801 of the NYC Administrative Code, websites maintained "by or on behalf of the city or a city agency shall include a translation feature for viewing the text of that website, wherever practicable, in languages other than English." In addition, the translation feature "shall be indicated by a means, other than or in addition to English, that is comprehensible to speakers of the seven most commonly spoken languages within the city as determined by the department of city planning."

However, our review of Bronx Community Board websites during July 2020, found that 2 of the 12 Bronx Community Board websites did not include a translation feature (Bronx Community

Boards #2 and #6). As of the time of this report, Bronx Community Boards #2 and #6 still do not have a translation feature on their website. Bronx Community Boards #2 and #6 both utilize website platforms provided by outside vendors which do not include a translation feature.

After we presented our findings to the Bronx Community Boards, the Bronx Community Board #2 District Manager stated that the board wanted to have its own independent website, but the District Manager is going to recommend that the board transition to the DoITT website. However, the District Manager noted that staff cannot take action without approval from the board.

Consequently, people of the district who do not speak English may not be informed of issues affecting their community district and may not be able to participate in local government.

Did Not Maintain Websites Fully Accessible to Persons with Disabilities

The NYC Administrative Code, Section 23-802 (a), states that “[t]he mayor or the mayor’s designee shall adopt a protocol for websites maintained by or on behalf of the city or a city agency relating to website accessibility for persons with disabilities.” According to the New York City Mayor’s Office for People with Disabilities, in order to ensure that all City websites were accessible to persons with disabilities, “[t]he Web Content Accessibility Guidelines (WCAG) 2.0 Level AA standard was adopted.”⁶

However, based on our review of Bronx Community Board websites during October 2021, 10 of the 12 Bronx Community Boards did not maintain websites that were fully accessible for persons with disabilities. The 10 Bronx Community Board websites had a combined 150 errors—120 website accessibility errors and 30 contrast errors—as detailed in Table VII below.

⁶ The WCAG was developed to provide “a single shared standard for web content accessibility that meets the needs of individuals, organizations, and governments internationally” and to “explain how to make web content more accessible to people with disabilities.” As of July of 2021, the City of New York has adopted the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA standard.

Table VII

Bronx Community Boards' Website
Accessibility and Contrast Errors

Bronx Community Board	# of Website Accessibility Errors	# of Contrast Errors	# of Total Errors
CB1	10	2	12
CB2	8	0	8
CB3	0	0	0
CB4	18	0	18
CB5	22	6	28
CB6	19	10	29
CB7	18	1	19
CB8	7	11	18
CB9	6	0	6
CB10	6	0	6
CB11	0	0	0
CB12	6	0	6
Total	120	30	150

The 150 website accessibility and contrast errors included, among other things, the following:

- Images missing alternative text. Without alternative text, the content of an image will not be available to screen reader users, which read aloud web pages for people who cannot read the text, or when the image is unavailable.
- Empty headers and links. An empty heading will present no information and may introduce confusion. If a link contains no text, the function or purpose of the link will not be presented to the user. This can introduce confusion for screen reader users and users only using the keyboard to navigate through the web content.
- Missing form labels which provide visible descriptions and larger clickable targets.
- Very low contrast between text and background colors, which can make it difficult for screen readers with low vision or color vision deficiency to read text.

Eight of the 10 Bronx Community Boards utilize websites provided by DoITT which accounted for 113 of the 150 total accessibility and contrast errors (75.3 percent). Bronx Community Boards #2 and #6 utilize website platforms provided by outside vendors and accounted for 37 of the 150 total accessibility and contrast errors (24.7 percent).

After we presented our findings to the Bronx Community Boards, some Bronx Community Board officials stated that they were unaware of any errors pertaining to website accessibility and that the Community Boards are not responsible for website accessibility, since they only send documents to DoITT to post on their website. Further, some Bronx Community Board officials stated that DoITT has not dedicated adequate resources to assist the Community Boards with their website and technical needs. Some Community Board officials informed us that only one

DoITT employee is assigned to assist all 59 Community Boards. Additionally, some Bronx Community Board officials noted a lack of guidance and instruction from other City agencies that are responsible for assisting the Community Boards.

Consequently, by not fully adopting the protocols required to make their websites accessible for persons with disabilities, the Bronx Community Boards increased the risk that people within their districts with disabilities may not be informed of issues affecting their community district and able to fully participate in local government.

Recommendations

The Bronx Community Boards should:

6. Provide adequate public notice of upcoming meetings on their websites and include information such as the date, time, and location of the meeting as well as the internet address of the website streaming such meeting if applicable;

Board #1 Response: Bronx Community Board #1 did not address this recommendation.

Board #2 Response: Bronx Community Board #2 did not address this recommendation.

Board #3 Response: “Bronx Community Board Three will continue to consistently requests monthly assistance from DOITT to upload its upcoming meeting Agendas and Public Hearing notices on its website approximately one week prior to meeting dates and not less than 72 hours prior to meetings. The meeting agenda will include the date, time and location as well as the meeting link of the website streaming if applicable.”

Board #8 Response: “Bronx Community Board 8 provides adequate public notice of all upcoming meetings on the Community Board Website & social media pages, as well as distributes to a community wide email distribution list.”

Board #11 Response: Bronx Community Board #11 did not address this recommendation.

7. Post meeting minutes from meetings for the past 12 months on their websites; and

Board #1 Response: Bronx Community Board #1 did not address this recommendation.

Board #2 Response: Bronx Community Board #2 did not address this recommendation.

Board #3 Response: “Bronx Community Board Three will consistently ensure that minutes from monthly meetings for the past 12 months are posted on its website.”

Board #8 Response: “All meeting minutes are posted on the website & distributed via email within 10 days of the meeting.”

Board #11 Response: Bronx Community Board #11 did not address this recommendation.

8. Contact DoITT and website platform vendors to ensure that their website includes a translation feature that allows the text of their website to be viewed in the seven most commonly spoken languages in the City and are fully accessible to persons with disabilities as per the WCAG 2.0 Level AA standard.

Board #1 Response: “The board will adopt the recommendations of the audit report to . . . [e]nsure to adopt protocols to ensure website accessibility for persons with disabilities that include having text that can be viewed in the seven commonly spoken languages in the City of New York.”

Board #2 Response: “Bronx Community Board 2 has started to take the necessary corrective measures to comply with the Audit findings. . . . We are also switching our website to NYC DoITT to comply with the translation of languages.”

Auditor Comment: Bronx Community Board #2 should also ensure that its website is fully accessible to persons with disabilities in accordance with the WCAG 2.0 Level AA standard.

Board #3 Response: “Bronx Community Board Three will ensure that the website platform continues to include a translation feature that allows the text of their website to be viewed in the seven most commonly spoken languages in the City and are fully accessible to persons with disabilities and per the WCAG 2.0 Level AA standard.”

Board #7 Response: “We should not be held accountable for our website’s Accessibility and Contrast Errors. . . . DOITT, a City Agency, is tasked to help Community Boards share data for transparency on our websites. We are unable to make our website accessible to all on our own.”

Auditor Comment: Bronx Community Board #7 should contact DoITT to ensure that its website is fully accessible to persons with disabilities as per the WCAG 2.0 Level AA standard.

Board #8 Response: “DoITT & Bronx CB8 worked closely two years ago to transition the site to an accessible & translatable platform. The Community Board Office followed every requirement set forth by DoITT. Our website is translatable to over 100 languages and our website is fully accessible to residents with disabilities.”

Auditor Comment: Contrary to Bronx Community Board #8’s assertion, its website had a combined 18 accessibility and contrast errors when we reviewed it in October 2021, and 18 errors still exist as of the date of this report. We reiterate our recommendation that the Bronx Community Board #8 contact DoITT to ensure that its website is fully accessible to persons with disabilities.

Board #11 Response: Bronx Community Board #11 did not address this recommendation.

Board #4, #5, #6, #7, #9, #10, and #12 Responses to Recommendations #6 through #8: Bronx Community Boards #5, #7, and #9 submitted written comments in response to certain draft report findings. However, Bronx Community Board #5, #7, and #9’s written comments generally did not address the report’s recommendations.

Bronx Community Boards #4, #6, #10, and #12 did not submit written comments in response to the draft report.

Auditor Comment: With regard to recommendations #6 through #8, we reiterate that each of the Bronx Community Boards should provide adequate public notice of upcoming meetings on their websites and include required information, post meeting minutes for the past 12 months on their websites, and contact DoITT and website platform vendors to ensure that their website includes a translation feature that allows the text of their website to be viewed in the seven most commonly spoken languages in the City and are fully accessible to persons with disabilities.

DETAILED SCOPE AND METHODOLOGY

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

The scope of this audit covered the period of July 1, 2019 through September 30, 2021.

To gain an understanding of the rules, regulations, policies and procedures with which the Bronx Community Boards must comply when conducting public meetings and hearings, and maintaining a website, we reviewed the following: the New York City Charter Chapter 70, Sections 2800(d)(22) and 2800(h); the New York City Administrative Code, Sections 23-801 and 23-802(a); the New York City Community Boards Handbook 2015; the New York State Department of State, Committee on Open Government, Open Meetings Law; the New York State Department of State, Committee on Open Government, Open Meetings Law Advisory Opinions #3834 and #4895; the New York State Department of State publication titled “*Conducting Public Meetings and Public Hearings*”; and the Bronx Community Board bylaws.

To gain an understanding of the 12 Bronx Community Boards’ procedures relating to public meetings and hearings, and maintaining a website, we issued and received responses to a questionnaire from each board. The questionnaire included questions regarding conducting public meetings and hearings, public notice, public participation, broadcasting and cablecasting of public meetings, and training, guidance, and support from external parties.

To determine whether the 12 Bronx Community Boards conducted required monthly meetings and public hearings, we requested and obtained general board meeting minutes and public hearing minutes from July 2019 through November 2020. We did not include the months of July 2019, August 2019, July 2020, and August 2020 as part of our analysis since boards are not required to meet during the months of July and August. Further, we did not include the months of March 2020 and April 2020 due to the COVID-19 pandemic. Therefore, we reviewed a total of 11 months. We reviewed meeting agendas and minutes to determine whether a meeting and hearing were held each month as required.

To determine whether the 12 Bronx Community Boards provided adequate public notice of its September 2021 general board meetings and hearings, we reviewed each board website and other materials to determine where and how the boards were providing public notice of meetings. We also requested and obtained detailed information regarding where, when, and how each board provides public notice of meetings and hearings through the questionnaire.

To determine whether the 12 Bronx Community Boards set aside time to hear from the public at public meetings, we conducted unannounced observations of the September 2020 monthly general board meeting for each board that published public notice of the meeting on their website. We observed the September 2020 general board meeting through the remote virtual platform provided by the board and determined whether the board set aside time to hear from the public during the meeting.

To determine whether the 12 Bronx Community Boards made general board meetings and hearings available for broadcasting and cablecasting during Fiscal Year 2020, we requested each board to provide information about whether and how meetings and hearings are broadcasted and cablecasted.

To determine whether the 12 Bronx Community Boards maintained websites, we reviewed the Bronx Borough President's Office website, the Green Book Online, and conducted internet searches on Google to identify each board website address. For each board that maintained a website, we determined whether the website provided verifiable board contact information.

To determine whether the 12 Bronx Community Boards maintained websites which included a translation feature that is comprehensible to speakers of the seven most commonly spoken languages within the City, we reviewed each board website as of July 2020. We determined whether each board website: (1) contained a translation feature and the number of languages which were available to translate; and (2) had the ability to translate to the seven most commonly spoken languages within the City.

We reviewed each board website to determine whether the 12 Bronx Community Boards maintained websites which contained meeting minutes from past meetings for the past 12 months. In June 2020, we reviewed each of the 12 Bronx Community Board websites to determine whether and to what extent the boards published meeting minutes from past meetings for the past 12 months. We did not include the months of July 2019 and August 2019, as part of our analysis since boards are not required to meet during the months of July and August. Further, we did not include the months of March 2020 and April 2020 due to the COVID-19 pandemic. Therefore, we reviewed meeting minutes for a total of eight months (June 2019, September 2019 through February 2020, and May 2020).

To determine whether the 12 Bronx Community Boards maintained websites which were fully accessible for persons with disabilities, we utilized the Web Accessibility Evaluation Tool as recommended by the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA. In January and February 2021, we used the Web Accessibility Evaluation Tool to evaluate each board website and determine whether and to what extent the board websites contained accessibility errors and/or contrast errors.

The above tests, while not projectable to their respective populations wherever a sample was used, provided a reasonable basis for us to evaluate the 12 Bronx Community Boards' controls over public meetings and hearings, and maintaining a website.

APPENDIX

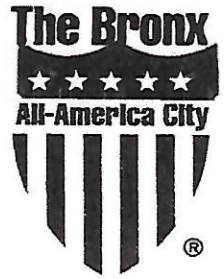
Summary of Findings Related to Public Meetings and Hearings and Website Content

Bronx Community Board	Complied with Requirements (Yes/No)											
	Meetings and Hearings						Website Content					
	Held Meetings Each Month	Held Hearings Each Month	Made Meetings and Hearings Available for Broadcasting on the Radio or Internet	Made Meetings and Hearings Available for Cablecasting	Provided Adequate Public Notice via Media and Physical Posting	Set Aside Time to Hear from Public	Maintained a Website	Adequate Public Notice of Meetings and Hearings	Meeting Minutes for the Past 12 Months	Board Contact Information	Translation Feature	Fully Accessible to Persons with Disabilities
CB1	No	No	No	No	No	Yes	Yes	Yes	No	Yes	Yes	No
CB2	No	No	Yes	No	No	Yes	Yes	No	No	Yes	No	No
CB3	Yes	No	No	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes
CB4	No	No	No	No	No	Yes	Yes	Yes	No	Yes	Yes	No
CB5	Yes	No	No	No	No	Yes	Yes	Yes	No	Yes	Yes	No
CB6	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No	No
CB7	Yes	No	No	No	Yes	Yes	Yes	Yes	No	Yes	Yes	No
CB8	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
CB9	No	No	No	No	Yes	Yes	Yes	Yes	No	Yes	Yes	No
CB10	No	No	No	No	No	Yes	Yes	No	No	Yes	Yes	No
CB11	No	No	Yes	No	No	Yes	Yes	Yes	No	Yes	Yes	Yes
CB12	No	No	No	Yes	No	Yes	Yes	No	No	Yes	Yes	No



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SERVING PORT MORRIS • MOTT HAVEN • MELROSE



RUBEN DIAZ, JR.
BOROUGH PRESIDENT

ARLINE PARKS
CHAIRPERSON

VACANT
DISTRICT MANAGER

December 17, 2021

Ms. Marjorie Landa
Deputy Comptroller
Bureau of Audit
Office Of The Comptroller
1 Centre Street – Room 1100
New York, NY 10007

This representation letter and response is provided in connection with your audit report on the Twelve Community Boards' Compliance with the New York City Charter and the New York City Code Requirements for Public Meetings and Hearings and for Websites, FK21-072A for the audit period covering July 1, 2019 through September 30, 2021.

We acknowledge our responsibility to comply with the City Charter requirements for the following items that were cited in the audit report as follows:

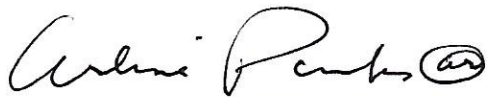
- Compliance with the City Charter Requirement for Public Meetings and Public Hearings;
- Compliance with the City Charter and NYC Administrative Code Website Requirements;
- Issuance of Public Notice of Meetings and Hearing;
- Broadcast and Cablecast Meetings and Hearings.

The board will adopt the recommendations of the audit report to;

1. Conduct public meetings and hearings each month in accordance with the New York City Charter 70, Section 2800 (h) and, if necessary, seek guidance on how to comply with the requirement by contacting the New York City Law Department as well as other City agencies tasked with providing assistance to Community Boards.
2. Set aside time to hear from the public prior to taking actions at meetings and hearings.

3. Ensure that public notice of all general board meetings is given to news media outlets and posted in public locations.
4. Ensure that public notice of all public hearings is published in the official newspaper or in a newspaper having general circulation within the municipality and posted in public locations and includes the date, time and place of the hearing, and a brief statement of the purpose of the hearing; and
5. Take the necessary steps to ensure that all meetings and hearings are made available for broadcasting and cablecasting, including but not limited to determining how to obtain access to channels for government use, identifying the associated costs, and allocating or seeking the necessary resources to comply with the City Charter mandate.
6. Ensure to adopt protocols to ensure website accessibility for persons with disabilities that include having text that can be viewed in the seven commonly spoken languages in the City of New York.

In response to your findings regarding meetings that were not held, the Community Board pre-covid held the required monthly meetings in accordance with the requirements of the New York City Charter. The audit report found that the board did not conduct two meetings for the months of December 2019 and May 2020 which was attributable to the COVID-19 pandemic, city government not functioning and the need to acquire and set up technology to hold virtual meetings. The Community Board has since acquired the software and technology to hold monthly meetings as required.



Arline Parks
Chair
Community Board Number 1

cc: Ruben Diaz, Jr. Bronx Borough President

From: [Acevedo, Ralph](#)
To: [REDACTED]
Cc: [BX CB 2](#); [Rc2905-optonline.net](#)
Subject: Re: Resources and Guidance
Date: Friday, December 17, 2021 3:02:32 PM
Attachments: [image002.png](#)

Good Afternoon

Thank you for the email and the opportunity to respond. Bronx Community Board 2 has started to take the necessary corrective measures to comply with the Audit findings. We are now indicating the Public Hearing/Session and the General Full Board meeting as two separate items. The meetings will be on the same day/link but will clearly be separate items. We will also provide minutes on the action taken and transcripts will be provided. We are also switching our website to NYC DoItt to comply with the translation of languages.

Thank you

Ralph Acevedo
District Manager
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<https://www.facebook.com/bronx.board>
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https://twitter.com/2_bronx
<https://www.youtube.com/channel/UCRfzp2GSHg6CljALtX73JGw>
<https://www.bxcb2.org/>



The City of New York Bronx Community Board Three

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311	& Information for NYC

Comm. Bd. Info go to: nyc.gov/bronxcb3

RUBEN DIAZ, JR.
BRONX BOROUGH PRESIDENT

REV. DR. BRUCE C. RIVERA
CHAIR

VACANT
DISTRICT MANAGER

December 17, 2021

By Electronic Mail

Marjorie Landa
Deputy Comptroller for Audit
1 Centre Street, Room, 1100
New York, NY 10007

RE: Audit Report on the Twelve Bronx Community Boards’ compliance with the New York City Charter and the New York City Administrative Code Requirements for Public Meetings, Hearings and for Websites FK21-072A

Dear Marjorie Landa,

Bronx Community Board Three is providing the following responses to the Audit Recommendations as follows:

Conduct public hearings each month in accordance with the New York City Charter Chapter 70, Section 2800(h) and, if necessary, seek guidance on how to comply with this requirement by contacting the New York City Law Department as well as the other City agencies tasked with providing assistance to the Community Boards—the Bronx Borough President’s Office, the Civic Engagement Commission, and the Mayor’s Office Community Affairs Unit;

- Bronx Community Board Three will consistently comply with conducting public hearings once a month in accordance with the New York City Charter Chapter 70, Section 2800(h). On the monthly agendas it will reflect a “Public Hearing”, noting the specific matter that the Community Board is requesting public comment on. The agenda will also reflect when the Public Hearing is Open and when it is Closed. The Public Hearing will occur before any official business is conducted and prior to a vote being taken by the general body. Bronx Community Board Three will publish Public Hearing notices in the City Record monthly. A Public Hearing Notice will be included in the distribution packet and will be posted in public places and on our website. The monthly Agenda and Public Hearing notice will confirm the date, time and place of the Public Hearing, and a brief statement of the purpose of the hearing.
- Set aside time to hear from the public prior to taking actions at meetings and hearings;
- Bronx Community Board Three’s meeting Agenda will reflect “Public Hearing- Open” and those requesting to speak will be allowed 2 minutes to discuss their concerns related to the specific matter. The meeting Agenda will also reflect “Community Concerns” in which the community will be allowed 2 minutes to speak on concerns and issues

EXECUTIVE OFFICERS

Rev. Frederick Crawford
1st Vice-Chairperson

Joetta Brown
2nd Vice-Chairperson

Keziah Sullivan
Secretary

Kathy Johnson-Morris
Treasurer

Rita Jones
Sgt.-at-Arms/Parliamentarian

unrelated to the Public Hearing. The Public Hearing and Community Concerns will take place prior to the general body taking any actions at meetings.

Ensure that public notice of all general board meetings is given to news media outlets and posted in public locations;

- Bronx Community Board Three will continue to consistently forward monthly meeting agendas and public hearing notices electronically to news media outlets at least one week prior to meeting. All monthly meeting agendas and Public Hearing notices will consistently be posted in public places and on our website at least one week prior to meeting and not less than 72 hours before the meeting.

Ensure that public notice of all public hearings is published in the official newspaper or in a newspaper having general circulation within the municipality and posted in public locations and includes the date, time and place of the hearing, and a brief statement of the purpose of the hearing;

- Bronx Community Board Three will ensure that monthly Public Hearing notices will consistently be published in the City Record and posted in public locations and on our website confirming the date, time, and location as well as the meeting link of the website streaming if applicable of the Public Hearing, and a brief statement of the purpose of the hearing, at least one week prior to meeting and not less than 72 hours before the meeting.

Take the necessary steps to ensure that all meetings and hearings are made available for broadcasting and cablecasting, including but not limited to, determining how to obtain access to channels dedicated for governmental use, identifying the associated costs, and allocating or seeking the necessary resources to comply with the City Charter mandate;

- Bronx Community Board Three will consistently forward monthly meeting agendas and public hearing notices electronically to news media outlets for broadcasting and cablecasting of its meetings and public hearings. Bronx Community Board Three will consistently live stream its monthly meetings on YouTube, which is considered a live broadcast. Bronx Community Board Three will determine how to obtain access to channels dedicated for governmental use, to comply with the City Charter mandate.

Provide adequate public notice of upcoming meetings on their websites and include information such as the date, time, and location of the meeting as well as the internet address of the website streaming such meeting if applicable;

- Bronx Community Board Three will continue to consistently requests monthly assistance from DOITT to upload its upcoming meeting Agendas and Public Hearing notices on its website approximately one week prior to meeting dates and not less than 72 hours prior to meetings. The meeting agenda will include the date, time and location as well as the meeting link of the website streaming if applicable.

Post meeting minutes from meetings for the past 12 months on their websites;

- Bronx Community Board Three will consistently ensure that minutes from monthly meetings for the past 12 months are posted on its website.

Contact DoITT and website platform vendors to ensure that their websites include a translation feature that allows the text of their website to be viewed in the seven most commonly spoken languages in the City and are fully accessible to persons with disabilities as per the WCAG 2.0 Level AA standard.

- Bronx Community Board Three will ensure that the website platform continues to include a translation feature that allows the text of their website to be viewed in the seven most commonly spoken languages in the City and are fully accessible to persons with disabilities and per the WCAG 2.0 Level AA standard.

Bronx Community Board Three appreciates the opportunity given to respond to said audit recommendations.

Sincerely,

Rev. Dr. Bruce C. Rivera

Rev. Dr. Bruce C. Rivera

Chair, Bronx Community Board Three

EXECUTIVE OFFICERS

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2nd Vice-Chairperson

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Secretary

Kathy Johnson-Morris
Treasurer

Rita Jones
Sgt.-at-Arms/Parliamentarian

From: [Brown, Kenneth](#)
To: [REDACTED]; [Brown, Kenneth](#)
Subject: Re: Request to Add Documents to the Bronx Community Board 5 Website, Agendas Module
Date: Friday, December 17, 2021 9:52:10 AM

Hello [REDACTED],

I am writing so as to respond to some of the comments made in the 'draft comptrollers report'.
In specific:

1. p. 15. There is a comment that CB 5 did not set aside time for public comments on an issue. At the time that there is a voting item on the agenda for a General Board meeting, the comments of the public are solicited as part of the discussion on each item. This will be after the comments/questions of the Board members. However, any comments or questions from the public are afforded after any such from board members. All times on such an agenda are thusly open to public comments. Furthermore, discussion of items at committee meetings are similarly open for public comment and questions.
2. p. 16. There is a comment that Community Boards did not post notices of meetings. In response, agendas for all meetings are sent electronically to the Davidson Community Center (among other recipients). The Davidson center as a matter of routine does post notice of meetings in their door facing the public.
3. p. 21. Please the comments that the minutes for the February 2020 General Board meeting are now posted at our website. They are posted thusly. As I had stated in previous emails, posting of minutes could not be done while we did not have access to the office.

I also have one question. We, among other Boards, were criticized for not having sufficient Public Hearings. How can we have a public meeting if there is no appropriate content for such a hearing? We do have meetings every month (save July and August). However, there is only contact routinely for hearings during the CB budget recommendations. Otherwise, a public hearing would be in response to a non-recurring item, such as a ULURP application.

All the best,
-Ken

Ken Brown
District Manager
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THE CITY OF NEW YORK

BOROUGH OF THE BRONX

COMMUNITY BOARD 7



RUBEN DIAZ, JR., BOROUGH PRESIDENT

EMMANUEL MARTINEZ, CHAIRPERSON

ISCHIA BRAVO, DISTRICT MANAGER

December 17, 2021

New York City Comptroller
Scott M. Stringer
1 Centre Street, 13th Floor North
New York, NY 10007

Re: Audit Report on the Twelve Bronx Community Boards' Compliance with New York City Charter and New York City Administrative Code Requirements

Dear Comptroller Scott M Stringer,

In response to Bronx Community Board 2021 Audit findings, Bronx Community Board 7 is responding to the following:

- *We did hold meetings on April 2020 and June 2020.*
 - *Links here: <https://www1.nyc.gov/site/bronxcb7/committees/general-board.page>*
- *We do have minutes on our site for: September 2019, February 2020, April 2020, and May 2020.*
 - *Link here: <https://www1.nyc.gov/site/bronxcb7/committees/general-board.page>*
- *We should not be held accountable for our website's Accessibility and Contrast Errors.*
 - *DOITT, a City Agency, is tasked to help Community Boards share data for transparency on our websites. We are unable to make our website accessible to all on our own.*

We host Public Sessions at every General Board Meeting and take issue with the Comptroller's findings that Public Sessions do not satisfy the Public Hearings requirement. Therefore, we will change the name of our Public Sessions to "Public Hearings" since it has been clarified by the law department.

Community Boards need real assistance by the agencies mentioned in the City Charter. We need a manual to be created for new hires to ensure compliance. Audits are unfair and inaccurate if only one of the agencies involved in making our meetings transparent is held accountable and not all.

Please feel free to contact me for any questions at ibravo@cb.nyc.gov

Thank you,

A handwritten signature in black ink, appearing to read "Ischia Bravo".

Ischia Bravo, District Manager
Bronx Community Board 7



BRONX COMMUNITY BOARD 8

5676 Riverdale Avenue, Suite 100 • Bronx, New York 10471-2194

Phone: (718) 884-3959 • Fax: (718) 796-2763

Email: bx08@cb.nyc.gov • Website: www.nyc.gov/bronxcb8



Laura Spalter, Chairperson

Ciara Gannon, District Manager

December 17, 2021

OFFICERS:

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Bob Bender

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Treasurer
Diomarys Escaño-Bell

[REDACTED]
Audit Supervisor
Financial Audit Bureau
New York City Comptroller Scott M. Stringer
1 Centre Street, 13th Floor North, New York, NY 10007

Dear [REDACTED],

COMMITTEE CHAIRS:

Aging
Daniel Padernacht

Budget
David Gellman

Economic Development
Nicholas R. Fazio

Education, Libraries & Cultural Affairs
Sylvia Alexander

Environment & Sanitation
Robert Fanuzzi

Health, Hospitals & Social Services
Omar Murray

Housing
Theodore R. Morris II

Land Use
Charles G. Moerdler

Law, Rules & Ethics
Martin Wolpoff

Parks & Recreation
Ramdat Singh

Public Safety
Edward Green

Traffic & Transportation
Debra Travis

Youth
Julia Gomez

This letter is in response to the recent Audit Report on the Twelve Bronx Community Boards' Compliance with New York City Charter and New York City Administrative Code Requirements for Public Meetings and Hearings, and for Websites. As requested at the Exit Interview, I provided a response and corrections to the audit on November 15th. My response provided additional public hearings and attached information that would help your report, however I did not see the additional hearings I provided reflected in the final report. I will also share disappointment that the proper contact the Bronx Borough President's Office was not included in the exit memo meeting or any part of this process and as you know the Borough President's Office is often where Community Boards receive guidance.

I will review the audit recommendations below and provide a response:

Conduct public hearings each month in accordance with the New York City Charter Chapter 70, Section 2800(h)

Bronx Community Board No. 8 holds public hearings in the Land Use Committee, Traffic & Transportation Committee, Public Safety Committee, etc. Affected residents receive notice to committee meetings via posted flyers, emails, USPS mail & social media. I provided information on these hearings in my original response, but do not see it reflected in the final report. In addition, Bronx CB8 hosts the required budget hearings twice a year. Moving forward Public Hearings will be listed more clearly.

- Set aside time to hear from the public prior to taking actions at meetings and hearings;
- Ensure that public notice of all general board meetings is given to news media outlets and posted in public locations;

Bronx CB8 has a gallery session at the beginning of every Community Board Meeting and each committee has a designated agenda item for old & new business.

- Ensure that public notice of all public hearings is published in the official newspaper or in a newspaper having general circulation within the municipality and posted in public locations and includes the date, time and place of the hearing, and a brief statement of the purpose of the hearing;

Public Hearings are posted in the City Record and shared with media contacts each month. Each notice includes the date, time, location and summary of the agenda item to be discussed.

- Take the necessary steps to ensure that all meetings and hearings are made available for broadcasting and cablecasting, including but not limited to, determining how to obtain access to channels dedicated for governmental use, identifying the associated costs, and allocating or seeking the necessary resources to comply with the City Charter mandate;

The requirement to broadcast & cablecast meeting was never communicated to Bronx CB8's District Manager. This is something that Bronx CB8 is unable to afford with its current yearly budget. All meetings are recorded and are public record. The public often requests the recording after meetings and The CB8 Office is happy to share it. All meeting recordings are archived, per municipal law.

- Provide adequate public notice of upcoming meetings on their websites and include information such as the date, time, and location of the meeting as well as the internet address of the website streaming such meeting if applicable;

Bronx Community Board 8 provides adequate public notice of all upcoming meetings on the Community Board Website & social media pages, as well as distributes to a community wide email distribution list.

- Post meeting minutes from meetings for the past 12 months on their websites; and Office of New York City Comptroller Scott M. Stringer FK21-072A 3

All meeting minutes are posted on the website & distributed via email within 10 days of the meeting.

- Contact DoITT and website platform vendors to ensure that their websites include a translation feature that allows the text of their website to be viewed in the seven most commonly spoken languages in the City and are fully accessible to persons with disabilities as per the WCAG 2.0 Level AA standard.

DoITT & Bronx CB8 worked closely two years ago to transition the site to an accessible & translatable platform. The Community Board Office followed every requirement set forth by DoITT. Our website is translatable to over 100 languages and our website is fully accessible to residents with disabilities.

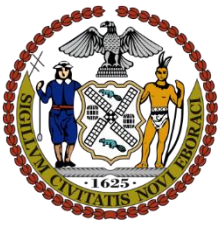
Should you have any questions or concerns please reach out to me at (718) 883-3959 or via email at cgannon@cb.nyc.gov. I look forward to your response.

Sincerely,

Ciara Gannon

Ciara Gannon

District Manager



COMMUNITY BOARD NUMBER 9

CITY OF NEW YORK
1967 TURNBULL AVENUE
BRONX, NEW YORK 10473



TEL. (718) 823-3034
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RUBEN DIAZ JR.
BRONX BOROUGH PRESIDENT

BRANDON GANAISHLAL
CHAIRPERSON



December 17, 2021

WILLIAM RIVERA
DISTRICT MANAGER

Office of New York City
Comptroller Scott M. Stringer
1 Centre Street, 13th Floor North
New York, NY 10007

Re: Audit Report on the Twelve Bronx Community Boards' Compliance with New York City Charter and New York City Administrative Code Requirements

To Whom It May Concern:

In response to Bronx Community Board 2021 Audit findings, Bronx Community Board 9 did not have on record minutes for February 2020 General Board Meeting due to the Covid-19 outbreak which affected the entire staff shortly following this meeting and was followed by an unexpected transition to telework. In addition, Bronx Community Board 9 did not have on record minutes for June 2019 General Board Meeting. During this time Bronx Community Board 9 was forced to relocate into a temporary space, where they are currently still located, due to mandatory building renovations and asbestos abatement. As a result, staff did not have access to equipment such as desktops and phones for several weeks during this transition.

Furthermore, Bronx Community Board 9 hosts Public Sessions at every General Board Meeting and takes issue with the Comptroller's findings that Public Sessions do not satisfy the Public Hearings mandate especially for circumstances where there are no voting items such as ULURPs. The public is given an opportunity to comment at every meeting during the Public Session following guidelines and Public Hearings have only been held separately for items that require a vote from the board. Technically, we conduct Public Hearings every month and the Board calls these meetings "Public Sessions". Therefore, we will be changing the name of our Public Sessions to "Public Hearings".

For any additional questions or concerns, please do not hesitate to contact our board at 718-823-3034 or via email at bx09@cb.nyc.gov.

Sincerely,

William Rivera
District Manager

Cc: Bronx Borough President Ruben Diaz Jr.
NYC Councilman Ruben Diaz Sr, 18th Council District
Executive Committee, Bronx Community Board 9

EXECUTIVE OFFICERS

Brandon Ganaishlal
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1st Vice Chairperson

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- Executive & Operations
- Land, Zoning, Planning, & Economic Development
- NYCHA
- Parks & Recreation
- Public Safety & Transportation
- Social Services & Housing
- Youth & Education
- Seniors Connected

NEIGHBORHOODS

- Bronx River
- Bruckner
- Castle Hill
- Clason Point
- Harding Park
- Parkchester
- Soundview
- Unionport
- Shorehaven
- Zerega



COMMUNITY BOARD 11
1741 COLDEN AVENUE
BRONX, NY 10462
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www.nyc.gov/bxcb11

Borough President Ruben Diaz Jr.

Chairman Albert D'Angelo

District Manager Jeremy H. Warneke

COMMITTEES

Leadership

*Community
Development &
Budget Priorities*

*Economic
Development*

*Education, Culture &
Youth Services*

Ethics & Disciplinary

*Health & Social
Services*

Housing

Land Use

Parks & Recreation

Public Safety

*Sanitation &
Environmental
Protection*

Transportation

December 17, 2021

Re: Audit Report on Community Board' Compliance with New York City Charter and New York City Administrative Code Requirements for Public Meetings and Hearings, and for Websites

Scott M. Stringer
New York City Comptroller
1 Centre Street, Room 517
New York, NY 10007

Dear Mr. Stringer:

I must first take the time to thank your office for its most recent audit of all community boards city-wide. Your staff has been professional, respectful and—unlike previous audits conducted by the Office of the New York City Comptroller—extremely responsive and helpful. Whenever I had a question for your staff, they have always devoted their time to respond to me with thorough thoughtfulness. I cannot emphasize enough how important this is for the audit process and long-term success of New York City.

While Community Board 11 probably hasn't had enough time to ingest all the findings and recommendations put forth by your office, I can say that the findings and recommendations seem reasonable overall. Furthermore, Community Board 11 has already taken corrective action on two items cited in the audit.

While it is true that during the September 2020 general board meeting, Community Board 11 set aside time to hear from the public after the Board discussed and voted on matters affecting the district, this was not the case for the entire audit period. It was only beginning in May 2020—during the COVID-19 pandemic when a New York State Executive Order waived Community Board 11's requirement to hear from the public—that the Board set aside time for the public after some but not necessarily all discussion and voting. After the Board heard from the public during these meetings, it was made clear that the Board could revisit any topic of importance under "old business" before the meeting concluded. But because of overwhelming complaints from the public and some board members, Community Board 11 reassigned its public speaker time slot to the beginning of its general meetings.

In response to the City Charter requirement to "conduct at least one public hearing each month," Community Board 11 has assumed the corrective action of

To request any special accommodations, please call us at (718) 892-6262 at least 72 hours prior to any Community Board 11 meeting or event.



scheduling a public hearing each month with the first hearing scheduled for December 20, 2021.

Lastly, I'm pleased to learn that in response to a concern I had about the "Total Staffing" table on page six of the draft report, your staff "will add a footnote to the final report to clarify that the table includes full-time and part-time staff who were employed by the City and paid with City funds as reported in the City's Payroll Management Systems as of September 30, 2021."

My best wishes to you and your staff.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jeremy Warneke', written in a cursive style.

Jeremy Warneke



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

GEORGIA M. PESTANA
Corporation Counsel

STEPHEN LOUIS
Chief
Division of Legal Counsel
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slouis@law.nyc.gov

To the District Managers of Manhattan Community Boards 1-12:

You have written to this office seeking advice regarding the conclusions of a draft report issued by the New York City Comptroller's office, dated December 6, 2021, entitled "Audit Report on the Twelve Manhattan Community Boards' Compliance with New York City Charter and New York City Administrative Code Requirements for Public Meetings and Hearings, and for Websites" (hereinafter "Draft Report"). The portions of the report with which you express concern relate to (a) the conduct of monthly public hearings by community boards, (b) the noticing of community board meetings and hearings, and (c) the broadcasting and cablecasting of community board meetings and hearings.

A. Monthly Public Hearings of Community Boards

Section 2800(h) of the New York City Charter (hereinafter "Charter") provides that "[e]xcept during the months of July and August, each community board shall meet at least once each month within the community district and conduct at least one public hearing each month." That subdivision further provides that, "[a]t each public meeting, the [community] board shall set aside time to hear from the public." In addition, Charter sec. 2800(d)(3) provides that each community board shall "[a]t its discretion, hold public or private hearings or investigations with respect to any matter relating to the welfare of the district and its residents[.]" The Draft Report states, at pages 9-10, that the public hearings of community boards must be separate and distinct from their public meetings, and that they must be devoted to one or more specific subjects.

The Charter provides little guidance on the conduct of community board hearings. There is no requirement of law that a community board's monthly public hearing be held on a different date from its public meeting, or that it be devoted to a specific subject or subjects. However, many public hearings conducted by City agencies, such as rulemaking hearings, ULURP hearings or revocable consent hearings, are by their nature limited to a single subject or set of related subjects. In addition, it is highly desirable that community boards follow substantially similar practices in conducting their public hearings, so that members of the public are afforded as

uniform opportunity to be heard in all community districts. Therefore, it is recommended that community boards take into account the following when conducting their public hearings:

1. If a community board holds its public hearing on the same day as its public meeting, the public hearing be held before rather than after the public meeting, so that community board members can be informed of the interests and concerns of residents of the community district and take them into account in their deliberations during the public meeting.
2. The public hearing be referred to as such, and not as a “public session”, in the agenda, notice and other materials issued by the community board.
3. In the portion of the agenda devoted to the public hearing, the community board list certain discrete subjects with regard to which it would be interested the hear the views of members of the public, making clear that those in attendance may speak on other subjects as well, to the extent they relate to the affairs of the community district. The subjects listed in the agenda may vary from month to month, depending on events.

Finally, it is our view that meetings of community board committees, at which members of the public are allowed to speak, do not qualify as community board hearings. The Charter provisions cited above intend that the public hearings of a community board be conducted by the entire body and not by a subset of members whose concerns and jurisdiction are limited.

B. Noticing of Community Board Meetings and Hearings

Charter sec. 2800(h) provides that [e]ach [community] board shall give adequate public notice of its meetings and hearings.]” Further, the New York State Open Meetings Law, to which all community boards are subject, requires that:

1. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given or electronically transmitted to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two hours before such meeting.
2. Public notice of the time and place of every other meeting shall be given or electronically transmitted, to the extent practicable, to the news media and shall be conspicuously posted inn one or more designated public locations at a reasonable time prior thereto.

New York State Public Officers Law (“POL”) sec. 104. The Draft Report states at page 13 that certain Manhattan community boards do not provide notice to the news media as required by these provisions, while others do not post their notices in a public location.

The Charter provides limited guidance as to the noticing of community board meetings and hearings. Instead, we can look to the requirements of the Open Meetings Law. According to that statute, community board notices must be (1) transmitted (electronically or otherwise) to news media outlets, and (2) posted in a public location. The “posting” of a notice, as commonly understood, refers to its placement in a physical location. Since community board meetings and

hearings, to our knowledge, are normally scheduled at least a week in advance, these requirements must be met at least 72 hours before the meeting/hearing.

In our view, the news media notice requirement of the Open Meetings Law is satisfied if a community board electronically transmits its notices to newspapers or other news outlets which are published or issued regularly and are intended to be read, heard or viewed by the general public. Their publication may be partly or entirely electronic. Community newspapers or borough-wide news outlets are ideal for this purpose. It is important to note that a community board is responsible only for notifying a newspaper or news outlet of its meetings/hearings. It is not responsible for ensuring that the notice is published or aired. See POL sec. 104(3) (“[t]he public notice provided for by this section shall not be construed to require publication as a legal notice”). When a community board notices one of its hearings, it is also advisable (though not required) that the notice also be published in New York City’s official publication, the City Record, even though this is not considered a newspaper or news outlet.

With regard to the public posting requirement, a community board need only place a paper notice of its meeting/hearing in a place that is accessible to the general public. It is advisable that the location be chosen so that the notice will be seen and attended to by those passing it.

It may be noted that the notice requirements of the Charter and Open Meetings Law are very basic. They do not require explicitly that the notice provide the agenda of a meeting or hearing. However, in view of the purpose and function of community boards, the Charter’s requirement that a community board provide “adequate notice” of its meetings and hearings should be read to include a reasonably detailed agenda.

C. Broadcasting and Cablecasting of Community Board Meetings and Hearings

Charter sec. 2800(h) requires that each community board “shall make [its] meetings and hearings available for broadcasting and cablecasting.” The Draft Report states, at page 14, that community boards should obtain access to a cable channel designated for government use pursuant to Charter sec. 1063(a), indicating that, at least with regard to cablecasting, community boards must act directly to satisfy the requirement.

In our view, the Charter requirement under discussion does not require that community boards themselves broadcast and/or cablecast all of their meetings and hearings. However, we believe that the Charter contemplates that a community board do more than passively allow reporters or anyone else in attendance to broadcast and/or cablecast those events. The Charter requirement would be satisfied, in our view, if a community board ensured that organizations or individuals likely to be interested in broadcasting or cablecasting its meetings and hearings were informed of them, perhaps at the same time that any notice of a meeting or hearing is transmitted.

If you would like to discuss further any of the matters presented in the Draft Report, please let me know. In addition, you may seek advice and assistance on any matter concerning

community boards from the Mayor's Community Assistance Unit and from Adele Bartlett, general counsel to the Manhattan Borough President.

Sincerely,

STEPHEN LOUIS
Chief
Division of Legal Counsel

cc: