

City of New York

OFFICE OF THE COMPTROLLER

Scott M. Stringer
COMPTROLLER



FINANCIAL AUDIT

Marjorie Landa

Deputy Comptroller for Audit

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

FK21-073A

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 Queens 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 to ensure that the public is afforded the opportunity to participate in local government.

The audit found that the Queens Community Boards generally complied with the City Charter requirements to maintain websites that are translatable into the seven most commonly spoken languages in New York City and provides board contact information.

However, the audit found that not all of the Queens Community Boards consistently conducted monthly public hearings, and that certain Queens Community Boards did not consistently conduct monthly general board meetings, set aside time to hear from the public, 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 Queens Community Boards maintained websites that fully adopted the protocols necessary to make their websites fully accessible for persons with disabilities.

The audit recommends that the Queens 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; (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 required newspapers and posted in public locations; (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 and include required information; (7) post meeting minutes from meetings for the required 12-month timeframes on their websites; and (8) contact DoITT and website platform vendors to ensure that their websites 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 Queens Community Board officials and their comments have been considered in preparing this report. The Queens 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 Fourteen Queens Community Boards' Compliance with New York City Charter and New York City Administrative Code Requirements for Public Meetings and Hearings, and for Websites

FK21-073A

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 President, 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.

Queens has 14 Community Boards that collectively cover the entire borough.

Audit Findings and Conclusions

The Queens Community Boards generally complied with the City Charter requirements to maintain a website which is translatable into the seven most commonly spoken languages in New York City and provides board contact information.

However, our audit found that not all of the Queens Community Boards complied with the City Charter requirements relating to public meetings and hearings and to maintaining websites. Specifically, we found that most of the 14 Queens Community Boards did not consistently conduct

monthly public hearings, and that certain Queens Community Boards did not consistently conduct monthly general board 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, did not set aside time for the public to speak before the board took actions such as votes during meetings, and did not publish past meeting minutes on their websites. Additionally, one Queens Community Board did not set aside time for the public to speak during a meeting at all.

Additionally, our audit found that not all of the Queens Community Boards fully complied with New York City Administrative Code (NYC Administrative Code) requirements relating to maintaining websites. Specifically, some Queens Community Boards did not maintain websites which were fully accessible for persons with disabilities.

For the majority of findings discussed in the report, the Queens 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 who 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 Queens Community Boards. The Queens 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 Queens Borough President’s Office, the Civic Engagement Commission, and the Mayor’s Office Community Affairs Unit;
- Set aside time to hear from the public and ensure that people of the district are allowed to speak at all board meetings prior to taking actions in accordance with the New York City Charter Chapter 70, Section 2800(h);
- 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 are fully accessible to persons with disabilities in accordance with the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA standard.

Agency Responses

On December 7, 2021, we submitted a draft report to the Queens Community Boards with a request for written comments. We received written responses from Queens Community Boards #1, #2, #3, #4, #5, #6, #8, #9, #10, and #12.

In their responses, Queens Community Boards #8 and #10 submitted comments in response to certain findings and recommendations of the draft report, including actions they will take in response to the recommendations. Queens Community Board #6 stated that the board is “in receipt of this report and your recommendations and will ensure these recommendations are implemented to the best of our ability in 2022.”

Queens Community Boards #1, #2, #3, #4, #5, #9 and #12 submitted written comments in response to certain draft report findings but did not specifically address most of the report’s recommendations.

We considered the comments and additional documentation provided by Queens Community Boards #1, #2, #3, #4, #5, #6, #8, #9, #10, and #12 and modified the report where warranted.

Queens Community Boards #7, #11, #13, and #14 did not submit written comments in response to the draft report.

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 responsibilities. Under the City Charter, the respective Borough Presidents are responsible for appointing Community Board members for two-year terms and providing training and technical assistance to the Community Boards within their boroughs. 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 Queens 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
Queens Community Board (CB)

Queens Community Board	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021	Percentage Change in Budget Allocation from FY19 to FY21
CB1	\$ 373,279	\$ 382,916	\$ 343,133	-8.8%
CB2	\$ 370,437	\$ 375,291	\$ 334,030	-10.9%
CB3	\$ 403,395	\$ 410,972	\$ 366,778	-10.0%
CB4	\$ 360,752	\$ 364,982	\$ 316,967	-13.8%
CB5	\$ 328,164	\$ 335,305	\$ 289,466	-13.4%
CB6	\$ 345,964	\$ 350,472	\$ 304,544	-13.6%
CB7	\$ 377,807	\$ 396,100	\$ 348,789	-8.3%
CB8	\$ 376,997	\$ 377,277	\$ 331,444	-13.7%
CB9	\$ 291,338	\$ 295,965	\$ 248,285	-17.3%
CB10	\$ 337,147	\$ 341,390	\$ 300,092	-12.3%
CB11	\$ 371,283	\$ 378,069	\$ 328,037	-13.2%
CB12	\$ 347,192	\$ 355,690	\$ 309,114	-12.3%
CB13	\$ 333,187	\$ 339,271	\$ 291,499	-14.3%
CB14	\$ 320,702	\$ 324,930	\$ 280,276	-14.4%

Table II

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

Queens Community Board	District Managers	Assistant District Managers	Community Coordinators	Community Associates/ Assistants/ Aides	Total Board Staff
CB1	1	0	0	2	3
CB2	1	0	0	2	3
CB3	1	0	0	2	3
CB4	1	0	1	1	3
CB5	1	0	0	2	3
CB6	1	0	1	2	4
CB7	1	0	0	3	4
CB8	1	0	0	2	3
CB9	1	0	0	2	3
CB10	1	0	2	0	3
CB11	1	0	1	1	3
CB12	1	0	0	2	3
CB13	1	0	1	0	2
CB14	1	0	1	1	3

Queens has 14 Community Boards that collectively cover the entire borough. Table III below lists the neighborhoods served by each of the Queens Community Boards, and the Illustration that follows provides a map of the Queens 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
Queens Community Board (CB)²**

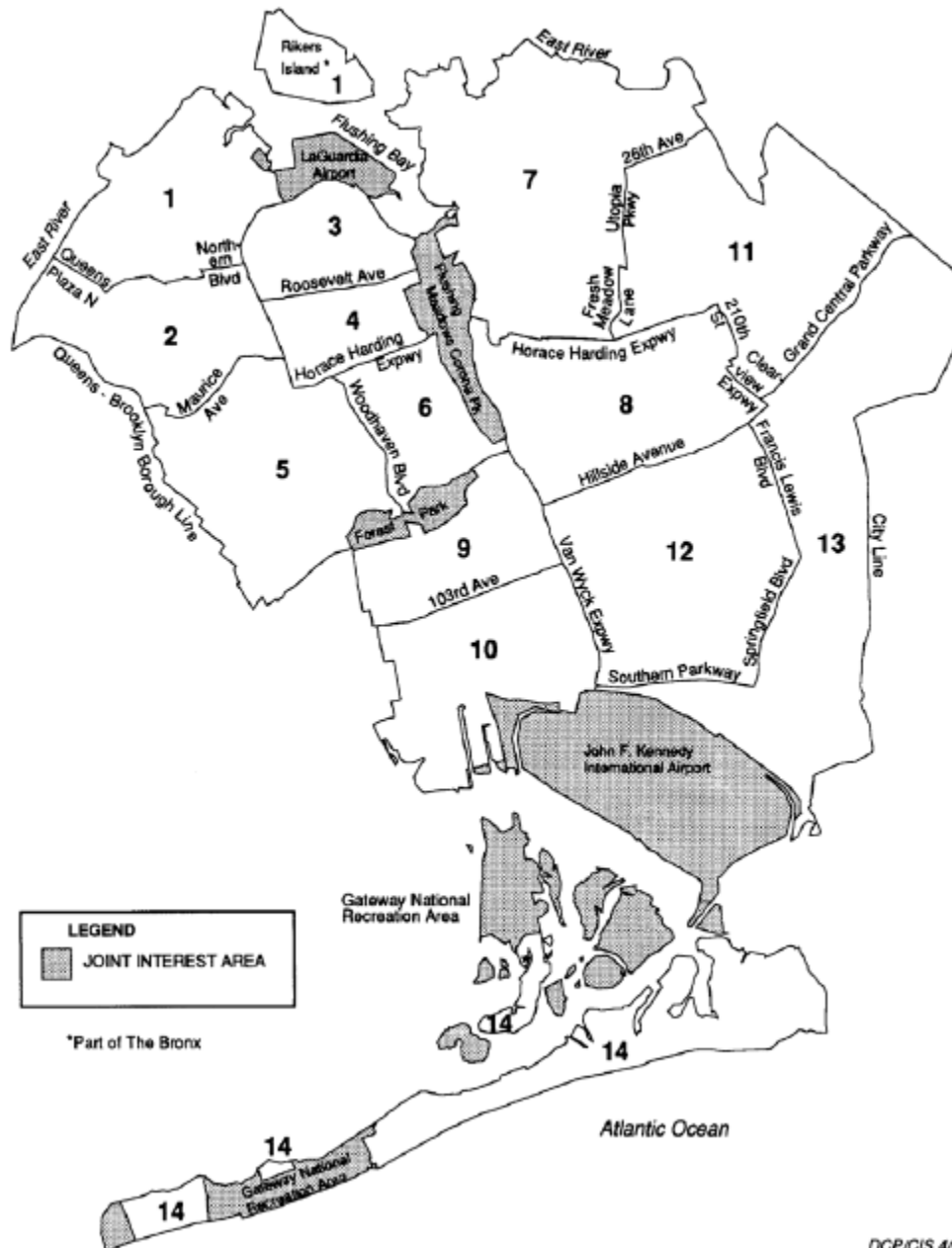
Queens Community Board	Neighborhoods Served
CB1	Astoria, Astoria Heights, Queensbridge, Dutch Kills, Long Island City, Ravenswood, Rikers Island, Steinway
CB2	Blissville, Hunters Point, Long Island City, Sunnyside, Sunnyside Gardens, Woodside
CB3	East Elmhurst, Jackson Heights, North Corona
CB4	Corona, Corona Heights, Elmhurst, Lefrak City
CB5	Glendale, Maspeth, Middle Village, Ridgewood
CB6	Forest Hills, Forest Hills Gardens, Rego Park
CB7	Auburndale, Bay Terrace, Beechhurst, Clearview, College Point, Downtown Flushing, East Flushing, Flushing, Malba, Murray Hill, Queensboro Hill, Waldheim, Whitestone
CB8	Briarwood, Fresh Meadows, Hillcrest, Holliswood, Jamaica, Jamaica Estates, Jamaica Hills, Kew Gardens Hills, Pomonok, Utopia
CB9	Kew Gardens, Ozone Park, Richmond Hill, Woodhaven
CB10	Howard Beach, Lindenwood, Old Howard Beach, Ozone Park, South Ozone Park
CB11	Auburndale, Bayside, Douglaston, Hollis Hills, Little Neck, Oakland Gardens
CB12	Hollis, Jamaica, Jamaica Center, North Springfield Gardens, Rochdale, South Jamaica, St. Albans
CB13	Bellaire, Bellerose, Brookville, Cambria Heights, Floral Park, Glen Oaks, Laurelton, New Hyde Park, Queens Village, Rosedale, Springfield Gardens
CB14	Arverne, Bayswater, Belle Harbor, Breezy Point, Broad Channel, Edgemere, Far Rockaway, Hammels, Neponsit, Rockaway Park, The Rockaways, Roxbury, Seaside, Somerville

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

Illustration

Map of Queens Community Districts³

COMMUNITY DISTRICT (CD) MAP: QUEENS



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

Objectives

The objectives of this audit were to determine whether each of the 14 Queens 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 Queens Community Boards during and at the conclusion of this audit. A preliminary draft report was sent to the Queens Community Boards and was discussed at an exit conference on November 15, 2021. On December 7, 2021, we submitted a draft report to the Queens Community Boards with a request for written comments. We received written responses from Queens Community Boards #1, #2, #3, #4, #5, #6, #8, #9, #10, and #12.

In their responses, Queens Community Boards #8 and #10 submitted comments in response to certain findings and recommendations of the draft report, including actions they will take in

response to the recommendations. Queens Community Board #6 stated that the board is “in receipt of this report and your recommendations and will ensure these recommendations are implemented to the best of our ability in 2022.”

Queens Community Boards #1, #2, #3, #4, #5, #9 and #12 submitted written comments in response to certain draft report findings but did not specifically address most of the report’s recommendations.

We considered the comments and additional documentation provided by Queens Community Boards #1, #2, #3, #4, #5, #6, #8, #9, #10, and #12 and modified the report where warranted.

Queens Community Boards #7, #11, #13, and #14 did not submit written comments in response to the draft report.

The full text of the responses received from Queens Community Boards #1, #2, #3, #4, #5, #6, #8, #9, #10, and #12 are included as an addendum to this report, and excerpts are included and discussed below.

Queens Community Boards #1, #3, #4, #5, #8, #10, and #12

In their responses, several Queens Community Boards stated that they are not required to broadcast and cablecast meetings and public hearings themselves. Additionally, these boards stated that they make their meetings and public hearings available for broadcasting and cablecasting in that they do not prohibit anyone from broadcasting or cablecasting. These boards further stated that broadcasting and cablecasting costs are prohibitive and that they have not received budgeted funds for those purposes. Some of the Community Boards also stated that they livestream meetings on YouTube.

As this report notes, however, Section 2800(h) of the City Charter requires Community Boards to make their mandated meetings and hearings available for broadcasting and cablecasting. Further, Section 1063(a) of the City Charter requires cable franchisees to designate channels for governmental use. Therefore, the Queens 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.

Queens Community Boards #1, #2, #8, and #12

With regard to maintaining accessible websites, several Queens Community Boards contended that they have no control over their websites and that DoITT is solely responsible for ensuring that their websites are accessible. However, Section 2800(d)(22) of the City Charter requires Community Boards to maintain websites “[w]ith assistance and support from [DoITT].” Therefore, we reiterate that Queens Community Boards should contact DoITT to ensure that their websites are fully accessible to persons with disabilities. To assist the boards in their conversations with DoITT, on December 8, 2021, we provided each of the Queens Community Boards with (1) a link to the New York City Mayor’s Office Digital Accessibility Resources, (2) a copy of the New York City Mayor’s Office Basic Website Accessibility Checklist, and (3) a list of each of the website accessibility errors and contract errors cited in the report for each Community Board.

Queens Community Board #1

In its response, Queens Community Board #1 stated that “the definition for public hearing is highly debatable” and that “your chart indicates errors in the listings of Public Hearings for Community

Board 1, Queens. 2019 website archive posts ‘Public Hearings’.” We reviewed the meeting agendas and minutes posted on the website archive indicated in Queens Community Board #1’s written comments. Based on our review, we credited Queens Community Board #1 for conducting a public hearing during its October 2019 general board meeting. However, for September 2019, November 2019, May 2020, and June 2020, Queens Community Board #1 did not provide sufficient documentary evidence to show that they held topic-specific hearings in which the public was given an opportunity to express their views on particular matters, such as the categories of matters listed in Section 2800 of the City Charter. Therefore, we did not find a basis to modify the finding for those months.

Additionally, Queens Community Board #1 stated that “the 2021 audit the graph states CB 1, Queens does not have May Minutes posted, again, this is an inaccurate statement.” However, the report correctly states that the May 2020 general board meeting minutes were not posted on the Queens Community Board #1 website when we conducted our initial review in June 2020. The report acknowledges that those minutes were subsequently posted on the Queens Community Board #1 website.

Queens Community Board #2

In its response, Queens Community Board #2 stated that it held monthly public hearings and that “every meeting has a public comment segment which allows members of the community to speak about their concerns. CB 2 believes this section should reflect all meetings were in compliance with a public hearing as the public is allowed to speak.” 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” (New York State Department of State, Committee on Open Government, Open Meetings Law, Advisory Opinion #3834).

Queens Community Board #3

Queens Community Board #3 provided us with minutes evidencing general board meetings and public hearings it conducted in October 2020 and November 2020. Therefore, we modified our finding and credited the board for those meetings and hearings, and as a result, for conducting all of the required general board meetings and public hearings included in our review.

Additionally, Queens Community Board #3 stated that the board’s “website was under development at the time of the audit. We replaced the previous website as it was no longer operable.” Queens Community Board #3 stated that the board’s new website “has a translation feature and is fully accessible to individuals with disabilities. During the construction of our new website, the developer conferred with DOITT to ensure that we made all of the requirements.” Further, Queens Community Board #3 stated that “[s]ince the new website has been launched, Minutes and other publicly shared documents have been posted on site.” We note that Queens Community Board #3 did in fact update its website, which now includes all of the meeting minutes included in our review and a translation feature. However, when we reviewed the Queens Community Board #3 website on December 28, 2021, we found that the website had two website accessibility errors and one contrast error.

Queens Community Board #4

In its response, Queens Community Board #4 stated that “the public is given a chance to speak at every Board meeting on any subject matter of their choosing. . . . While this public comment period does not hold the title of ‘hearing’, it takes place before board business, thus providing the Board with an overview of public opinion before voting on items. As per recommendation, the Board will more openly state ‘Hearing’ on future notices.” However, the public session 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” (New York State Department of State, Committee on Open Government, Open Meetings Law, Advisory Opinion #3834).

Additionally, Queens Community Board #4 stated that it provides adequate notice of public hearings in that they are posted in the City Record, social media sites, and physical locations such as utility poles and libraries. However, because the board did not provide documentary evidence to support that assertion, we did not find any basis to modify the finding.

Queens Community Board #4 also stated that the board’s “position is that the May minutes are in fact posted on its website (nyc.gov/queenscb4/minutes) Due to an issue with recording equipment, minutes for the January [2020] meeting were compromised, and not generated.” With respect to that point, the report correctly states that the May 2020 general board meeting minutes were not posted on the Queens Community Board #4 website when we conducted our initial review in June 2020. We have modified the report in response to newly provided documentation to acknowledge that those minutes are now posted on the board’s website.

With regard to minutes for the January 2020 meeting, Section 106(3) of the Open Meetings Law states that “[m]inutes of meetings of all public bodies shall be available to the public in accordance with the provisions of the freedom of information law within two weeks from the date of such meeting.” Therefore, notwithstanding the issues Queens Community Board #4 encountered with its recording equipment, by the date of our review, June 23, 2020, more than 5 months after the January meeting, the board should have taken steps to prepare and post the required minutes.

Queens Community Board #5

In its response, Queens Community Board #5 stated that

While CB5Q did not conduct a Public Hearing every month, as stated in the Audit Report, it is important to point out that CB5Q has conducted a Public Hearing regarding any Rezoning Application, Special Permit Application, BSA Application, and Annual Capital and Expense Budget Hearings to help our board formulate budget priorities. Historically, CB5Q has conducted a Public Hearing when there was a significant reason to conduct a Public Hearing.

The board’s response does not claim, however, that the board held “at least one public hearing each month” (except during July and August) 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, as City Charter Section 2800 requires.

Additionally, Queens Community Board #5 stated that the board “has consistently given public notice of monthly board meetings and hearings at least one week in advance.” Specifically, Queens Community Board #5 stated, “We always post notice of our monthly board meetings, hearings and committee meetings on the front door window at our Myrtle Avenue office, which is

a public location.” However, Queens Community Board #5 did not provide documentary evidence to support that assertion. Moreover, during the audit, the board reported that it does *not* post public notice of its meetings and public hearings in the public locations. Therefore, we did not find any basis to modify the finding.

Queens Community Board #8

In its response, Queens Community Board #8 stated that

Community Boards are **required** to hold public hearings on land use and zoning proposals, capital projects, and capital budget priorities. Community Board 8 does meet that requirement, as we have held public hearings when these matters came to us. . . . How can we hold hearings to ‘...gauge public opinion **on a matter**,’ when there were not any **specific** matters to gauge the public’s opinion on?

As recommended by the Law Department, we will have public hearings in conjunction with our monthly meetings. The Public Participation section of our meetings will be replaced with a Public Hearing. [Emphasis in original.]

We note again that the City Charter requires Community Boards, except for the months of July and August, 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. Furthermore, 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” (New York State Department of State, Committee on Open Government, Open Meetings Law, Advisory Opinion #3834).

Queens Community Board #9

In its response, Queens Community Board #9 stated that “each month we hold Public Hearings (Agenda item #1). During this time the Board discusses SLA applications (New and Renewals) and business owners are afforded the opportunity to present information regarding their establishment.” We reviewed the meeting minutes indicated in Queens Community Board #9’s written comments for May 2020 and found that the meeting did not constitute a public hearing because in the meeting minutes the board states “PUBLIC HEARING no items to be discussed.” The board did not provide additional documentation to establish that it held such hearings; therefore, we did not find a basis to modify the finding.

Queens Community Board #10

In its response, Queens Community Board #10 referenced a letter that the New York City Law Department sent to the Manhattan Community Boards at their request 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.) The board opined that the Law Department’s guidance “seems to indicate that perhaps some of the conclusions that led to the draft audit recommendations may need some revision especially as they relate to . . . what constitutes adequate public notice of meetings and public hearings.”

Queens Community Board #10 also stated,

In regard to publication of adequate notice of public hearings, please note that all public hearings conducted during the audit period were held on the same dates and locations as our general board meetings. The meeting agenda clearly notes the topic/purpose and the place on the agenda is noted on the agenda. Agendas for all meetings showing the scheduled public hearing information are sent to the City Record and to local news outlets. They also appear on the board's website in advance of the meeting and agendas are sent either via electronic or postal mail to a wide variety of organizations and interested parties. Agendas are posted on the public bulletin board located in the CB10Q office (a public location) and on the exterior of the office entry. There are 4 zip code areas within CB10Q. There is a public library located in each of them. Agendas are sent to the libraries with a request that they be posted.

Queens Community Board #10 did not provide documentary evidence to support the above-quoted statement, and to the extent it references the City Record and news outlets, the statement conflicts with the board's statements during the audit to the effect that it did not publish notices of its meetings and hearings in a newspaper. Therefore, we did not find a basis to modify the finding.

Additionally, Queens Community Board #10 stated

The draft report states that . . . the minutes of our May 2020 meeting were not posted on our website when reviewed for this audit.

As a result, our May 19, 2020 meeting minutes would not have been publicly posted until approved as correct by the board members at the June 16, 2020 meeting. Posting them on a website prior to their approval could result in readers possibly getting misinformation.

However, the report correctly states that the May 2020 general board meeting minutes were not posted on the Queens Community Board #10 website when we conducted our initial review in June 2020. Further, the report acknowledges that those minutes were subsequently posted on the board's website.

Queens Community Board #12

In its response, Queens Community Board #12 stated that "monthly board meeting[s] [were] held each month excluding July and August" and that "we have public hearings when there is a need." The board did not claim that it held at least one public hearing each month except for the months of July and August as required by the City Charter.

Additionally, Queens Community Board #12 stated that it provides "[a]dequate public notice via Media and physical posting," but the board did not provide supporting documentary evidence for that statement. Moreover, during the audit the board reported that it does *not* post public notice of its meetings and public hearings in the public locations. Therefore, we did not find any basis to modify the finding.

The board further stated that meeting minutes for the past 12 months were submitted. With regard to meeting minutes, we reviewed the Queens Community Board #12 website on December 28, 2021, and found that the board posted meeting minutes for its November 2019 general board meeting at some point subsequent to our June 2020 review. However, the meeting minutes for its September 2019, October 2019, December 2019, January 2020, and February 2020 general board meetings were not posted on the board's website.

FINDINGS AND RECOMMENDATIONS

The Queens Community Boards generally complied with the City Charter requirements to maintain a website which is translatable into the seven most commonly spoken languages in New York City and provides board contact information.

However, our audit found that not all of the Queens Community Boards complied with the City Charter requirements relating to public meetings and hearings and to maintaining websites. Specifically, we found that most of the 14 Queens Community Boards did not consistently conduct monthly public hearings, and that certain Queens Community Boards did not consistently conduct monthly general board 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, did not set aside time for the public to speak before the board took actions such as votes during meetings, and did not publish past meeting minutes on their websites. Additionally, one Queens Community Board did not set aside time for the public to speak during a meeting at all.

Additionally, our audit found that not all of the Queens Community Boards fully complied with NYC Administrative Code requirements relating to maintaining websites. Specifically, some Queens Community Boards 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 Queens 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 who are responsible for assisting the Community Boards, and (2) financial and professional resources necessary to fulfill the requirements.

Queens 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, 3 of the 14 Queens Community Boards did not consistently hold monthly general board meetings as detailed in Table IV below (Queens Community Boards #11, #12, and #13).

Additionally, based on our review of public hearing minutes for the period September 2019 through November 2020, 12 of the 14 Queens Community Boards failed to conduct at least one public hearing each month as detailed in Table V below. Furthermore, 2 of the 14 Queens Community Boards did not conduct *any* of the required public hearings (Queens Community Boards #12 and #13).

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	CB13	CB14
September 2019	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
October 2019	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
November 2019	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
December 2019	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes
January 2020	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
February 2020	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
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	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	N/A	N/A
May 2020	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes
June 2020	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	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	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	N/A	N/A
September 2020	Yes	Yes	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	Yes	Yes
November 2020	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Total Meetings Conducted	11	11	11	11	11	11	11	11	11	11	10	10	6	11
Total Meetings Not Conducted	0	0	0	0	0	0	0	0	0	0	1	1	5	0

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	CB13	CB14
September 2019	No	No	Yes	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	No	Yes
October 2019	Yes	Yes	Yes	No	Yes	Yes	No	No	Yes	Yes	Yes	No	No	Yes
November 2019	No	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	No	No	No	No
December 2019	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	No	No	No	No
January 2020	Yes	No	Yes	No	No	No	Yes	No	Yes	Yes	Yes	No	No	No
February 2020	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	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	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	N/A	N/A
May 2020	No	No	Yes	No	No	No	Yes	No	No	Yes	No	No	No	No
June 2020	No	No	Yes	No	No	No	Yes	No	Yes	Yes	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	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	N/A	N/A
September 2020	Yes	Yes	Yes	No	Yes	No	Yes	No	Yes	Yes	No	No	No	No
October 2020	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes
November 2020	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No	No	No	No
Total Hearings Conducted	7	7	11	3	6	4	8	3	10	11	4	0	0	3
Total Hearings Not Conducted	4	4	0	8	5	7	3	8	1	0	7	11	11	8

Some Community Board officials maintained that they did not conduct public meetings and hearings from March 2020 through May 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 Queens Community Boards, Queens 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 Queens 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. Additionally, some Queens 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. Lastly, some Queens Community Board officials noted that the City Charter and Open Meetings Law requirements are unclear and that they do not receive guidance and instruction from the agencies who 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, and 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 Queens Community Boards held committee meetings concerning various topics, the Queens 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.

With regard to Queens Community Board officials’ statements that they lack 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 Queens 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 most of the 14 Queens Community Boards did not fully 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 budget priorities, and programs and services.

One Board Did Not Set Aside Time for the Public to Speak during a Meeting, and Three Boards Set Aside Time for the Public to Speak at the End of Meetings

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.” Based on our observations of September 2020 general board meetings and meeting agendas and minutes, Queens Community Board #13 did not set aside time to hear from the public during the September 2020 general board meeting.

During the September 2020 general board meeting, the Queens Community Board #13 Acting Chairperson suspended the public comment session which was listed on the agenda. In response, several Queens Community Board #13 members objected to the Acting Chairperson’s failure to allow the public to speak and to follow the meeting agenda without a board vote for modification.

Additionally, as previously mentioned, one of the key responsibilities of the Community Boards is to consider the needs of the district. However, of the 13 Queens Community Boards that did set aside time to hear from the public during their September 2020 general board meetings, three boards set aside time at the end of their meetings (Queens Community Boards #1, #2, and #10). Furthermore, we also noted that Queens Community Board #1 conducted business, such as voting and taking actions, prior to the “public session” and the public was not afforded the opportunity to comment beforehand. In one instance, during the Queens Community Board #1 September 2020 general board meeting, prior to hearing from the public, the board members discussed and voted on land use and zoning matters as well as a letter to be sent on behalf of the board to the Chair of the City Planning Commission. Additionally, Queens Community Board #1 held a public hearing during their September 2020 general board meeting on the land use and zoning matters; however, the public was not afforded the opportunity to comment before the board voted.

Board #1 Response: “The narrative describes no opportunity for the public to speak on hearing items. The following is the accurate description of public speaking opportunities adhered to at each meeting. Following each Public Hearing the floor is open to Board membership questions followed by Public questions before the hearing is closed and prior to voting occurring. The public is also afforded the opportunity to speak during Public Session at every meeting to address any item of concern or issue related to the District.”

Auditor Comment: Notwithstanding Queens Community Board #1’s above-quoted statement, we observed Queens Community Board #1’s September 2020 general board meeting and public hearing in which the public was not afforded an opportunity to speak prior to the full board voting on the public hearing items. Rather, the public was afforded the opportunity to speak during the “public session,” which was held at the end of the meeting. Queens Community Board #1’s meeting minutes and agenda also reflect that sequence of events.

After we presented our findings to the Queens Community Boards, some Queens Community Board officials stated that the time set aside for the public to speak is based on the meeting agenda which is determined at the discretion of the board, and that certain members of the public may prefer to speak at the end. In addition, Queens Community Board #10 stated that “there are many ways other than public speaking time at meetings that Community Boards fulfill the obligation to consider the needs of the district and many ways that input from the public is received to help us fulfill that obligation.” However, since Queens Community Board #13 suspended the

public comment session for the September 2020 general board meeting, and Queens Community Boards #1, #2, and #10 set aside time to hear from the public at the end of their meetings, the people of the district may not have been afforded a meaningful opportunity to comment and express their views at meetings, that is an opportunity to do so before the boards voted and took actions on matters affecting their district.

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, our audit found that 8 of the 14 Queens Community Boards did not provide adequate public notice of those meetings as required. Specifically, Queens Community Boards #1, #4, #5, #7, #9, #12, #13 and #14 reported that they do not post notices in public locations.

Our audit also found that certain Queens 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, as previously stated, 2 of the 14 Queens Community Boards did not conduct any public hearings during the period of September 2019 through November 2020. Of the 14 Queens Community Boards that did conduct public hearings, 7 did not provide adequate public notice of

those hearings as required. Specifically, Queens Community Boards #4, #7 and #10 reported that they do not publish notice of public hearings in the newspaper; and Queens Community Boards #1, #5, #9 and #14 reported that they do not post notice in public locations.

After we presented our findings to the Queens Community Boards, some Queens Community Board officials stated that the boards may post meeting notices at public libraries and that the public libraries were closed during the COVID-19 pandemic. However, as previously stated, Section 104(2) of the Open Meetings Law states that “[p]ublic notice of the time and place of every other meeting . . . shall be conspicuously posted in one or more designated public locations.” Further, the New York State Department of State, Committee on Open Government, Open Meetings Law, 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.” Therefore, if Community Boards were unable to post notices at public libraries, they should have selected one or more other locations to post meeting notices.

Additionally, Queens Community Board #7 stated that “Community Board 7 posts all meeting and Public Meeting notices on the outside of its Office door, at the Public Library, on our website, it is also sent out to all the local media in our district” and Queens Community Board #14 stated that “we do post our agenda on the front door of our office and in our lobby.” However, Queens Community Boards #7 and #14 did not provide any documentary evidence to support those statements.

Since most of the 14 Queens 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.

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, 11 of the 14 Queens Community Boards reported that they do not make their meetings and hearings available for broadcasting on the radio or on the internet (Queens Community Boards #1, #2, #3, #4, #7, #8, #10, #11, #12, #13 and #14). The remaining three Queens Community Boards reported that they livestream meetings and hearings on their social media platforms including Facebook and YouTube (Queens Community Boards #5, #6 and #9). Additionally, *none* of the 14 Queens Community Boards reported that they make their meetings and hearings available for cablecasting on cable television.

Three Queens Community Boards reported that they were not aware of the City Charter requirement to make meetings and hearings available for broadcasting and cablecasting (Queens Community Boards #4, #7 and #11).

After we presented our findings to the Queens Community Boards, some Queens Community Board officials stated that the Community Boards need additional staffing, equipment, funding, and technological training to comply with this requirement, and that the Community Boards use all of their available resources and their budgets have not increased. Furthermore, some Queens Community Board officials cited logistical challenges such as transporting necessary equipment from Community Board offices to meeting locations and a lack of internet connectivity at the meeting locations. Lastly, some Queens Community Board officials stated that they are not required to broadcast or cablecast the meetings and hearings themselves but rather to make their meetings and hearings available for broadcasting and cablecasting by not preventing anyone from broadcasting and cablecasting if they wish to do so.

As previously noted, 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” and 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. Board officials who maintain that the law does not require them to affirmatively make their meetings and hearings available for broadcasting and cablecasting but only to refrain from preventing anyone else from broadcasting and cablecasting them should seek guidance on that point from the New York City Law Department. Since the Queens 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.

Additionally, Queens Community Board #7 provided a copy of the New York City Council Introductory Bill #812-2012 and stated that “Section 1 of the bill requires that all community boards record their public meetings and hearings in digital video format. Such meetings and hearings are to be webcast live, **where practicable**.” [Emphasis in original.] However, while this bill was introduced in 2012, it was never enacted into law, and as previously stated, the City Charter still requires that “[e]ach board . . . shall make such meetings and hearings available for broadcasting and cablecasting.”

Since the Queens Community Boards did not consistently conduct public meetings and hearings, properly notify the public of meetings and hearings, and make meetings and hearings available for broadcasting and cablecasting, the Queens 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 commonweal will prosper and enable the governmental process to operate for the benefit of those who created it.

Recommendations

The Queens Community Boards should:

1. Conduct general board meetings and 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 Queens Borough President's Office, the Civic Engagement Commission, and the Mayor's Office Community Affairs Unit;

Board #4 Response: "As per recommendation, the Board will more openly state "Hearing" on future notices."

Board #6 Response: "We are in receipt of this report and your recommendations and will ensure these recommendations are implemented to the best of our ability in 2022."

Board #8 Response: "This is in response to the audit recommendation that boards conduct public meetings and public hearings every month. Community Boards are **required** to hold public hearings on land use and zoning proposals, capital projects, and capital budget priorities. Community Board 8 does meet that requirement, as we have held public hearings when these matters came to us. If Community Board 8 was presented with these matters that you cited to review during the months of October 2019, December 2019, January 2020, February 2020, May 2020, June 2020, September 2020, and November 2020, then we would have held separate public hearings to hear from the community before making a decision. How can we hold hearings to "...gauge public opinion **on a matter**," when there were not any **specific** matters to gauge the public's opinion on?

The judiciary, which interprets the laws, often makes decisions based on the *spirit of the law* [what the law seeks to accomplish] not just the letter of the law. This may be why in the City Charter reads, "... At each public meeting, the board shall set aside time to hear from the public." Even if our meetings did not meet the criteria for public hearings in that there was no specific subject matter to be heard, at every general Community Board 8 meeting, members of the public are heard. They are allowed up to three (3) minutes to speak on any matter of their choosing including issues that affect our district such as programs and services. Additionally, our board has taken action based on issues raised by our residents at these meetings. **This in our view fulfills the spirit of the law.**

As recommended by the Law Department, we will have public hearings in conjunction with our monthly meetings. The Public Participation section of our meetings will be replaced with a Public Hearing. [Emphases in original.]

Auditor Comment: We reiterate our recommendation that the Community Boards conduct general board meetings and public hearings each month in accordance with the New York City Charter Chapter 70, Section 2800(h), which requires the boards to hold both a meeting and a public hearing each month except July and August. A public 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, according to the New York State Department of State, Committee on Open Government, Open Meetings Law, Advisory Opinion #3834, as distinguished from the type of public session of a general board meeting in which the public is invited to share comments and concerns on *any* matter.

Board #10 Response: “Community Board 10Q is compliant. General board meetings are conducted each month except during July and August. A public hearing is conducted each month as required.”

2. Set aside time to hear from the public and ensure that people of the district are allowed to speak at all board meetings prior to taking actions in accordance with the New York City Charter Chapter 70, Section 2800(h);

Board #6 Response: “We are in receipt of this report and your recommendations and will ensure these recommendations are implemented to the best of our ability in 2022.”

Board #8 Response: “[A]t every general Community Board 8 meeting, members of the public are heard. They are allowed up to three (3) minutes to speak on any matter of their choosing including issues that affect our district such as programs.”

Board #10 Response: “Community Board 10Q is compliant and will continue to remain compliant. Please note that during the Covid Pandemic we began the practice of keeping the record of our meetings open until the close of business on the day following the meeting so that members of the public would have an additional opportunity to communicate their views on any matter. We clearly indicate that on the agenda for meetings. It is a practice that we will continue even when in-person meetings resume.”

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

Board #1 Response: “[W]e advertise in local papers, use LinkNYC, use USPS mailing to the public, Queens Library, churches, elected officials' offices, mosques and not-for-profits and two (2) forms of social media as well as our website. Our meetings are shared far and wide with paper copy access. Due to this audit we additionally post in our office building's lobby.”

Board #4 Response: “Community Board 4 provides adequate notice to all residents within a 500-foot radius of the subject matter whenever a Public Hearing takes place. The item is posted in the City record no less than 7 days in advance of the hearing. Additionally, notices are posted in public places such as utility poles, libraries, and hard copies of notices are mailed, emailed, and posted across social media. This is all done no less than 7 days before the scheduled hearing.”

Auditor Comment: Queens Community Board #4 did not provide documentary evidence to support the above-quoted statement.

Board #5 Response: “CB5Q has consistently given public notice of monthly board meetings and hearings at least one week in advance by emailing such notice to board members, local civic leaders, local elected officials, people in the community on our email listings, and the 3 local weekly newspapers that cover the Community District 5, Queens area. We always post notice of our monthly board meetings, hearings and committee meetings on the front door window at our Myrtle Avenue office, which is a public location.”

Auditor Comment: Queens Community Board #5 did not provide documentary evidence to support the above-quoted statement. Moreover, during the audit, the board reported that it does *not* post public notice of its meetings and public hearings in physical public locations.

Board #6 Response: “We are in receipt of this report and your recommendations and will ensure these recommendations are implemented to the best of our ability in 2022.”

Board #8 Response: “Our notices are posted on our storefront window. We will place notices on LinkNYC kiosks if/when they are installed within our boundaries.”

Board #10 Response: “The draft report indicates CB10Q is non-compliant. In regard to publication of adequate notice of public hearings, please note that all public hearings conducted during the audit period were held on the same dates and locations as our general board meetings. The meeting agenda clearly notes the topic/purpose and the place on the agenda is noted on the agenda. Agendas for all meetings showing the scheduled public hearing information are sent to the City Record and to local news outlets. They also appear on the board's website in advance of the meeting and agendas are sent either via electronic or postal mail to a wide variety of organizations and interested parties. Agendas are posted on the public bulletin board located in the CB10Q office (a public location) and on the exterior of the office entry. There are 4 zip code areas within CB10Q. There is a public library located in each of them. Agendas are sent to the libraries with a request that they be posted.”

Auditor Comment: Queens Community Board #10 did not provide documentary evidence to support the above-quoted statement. Moreover, during the audit, the board reported that it does *not* post public notice of its meetings and public hearings in the public locations.

Board #12 Response: “Adequate public notice via Media and physical posting
DOITT and Newspapers

Adequate public notice of meetings and hearings

1. DOITT
2. Library
3. Newspapers”

Auditor Comment: Queens Community Board #12 did not provide documentary evidence to support the above-quoted statement. Moreover, during the audit, the board reported that it does *not* post public notice of its meetings and public hearings in the 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 includes the date, time, and place of the hearing, and a brief statement of the purpose of the hearing; and

Board #6 Response: “We are in receipt of this report and your recommendations and will ensure these recommendations are implemented to the best of our ability in 2022.”

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

Board #10 Response: “Please see response to recommendation 3.”

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 #6 Response: “We are in receipt of this report and your recommendations and will ensure these recommendations are implemented to the best of our ability in 2022.”

Board #8 Response: “As recommended by the Law Department, we will continue to make our meetings/hearings available for broadcasting/cablecasting by continuing to send our notices to those who may be interested in doing so.” [Emphasis in original.]

Board #10 Response: “As we stated at the Exit Conference for this audit, our meetings and public hearings have always been *available*, in the sense that no one who chose to record and/or broadcast any meeting was prevented from doing so. During the time period of the audit when meetings were held remotely via the zoom platform no one who requested the link to view the video recording was denied access. As of September 2021, CB10Q has provided a live-stream broadcast of our meetings via a YouTube channel on the internet. The link to that broadcast is clearly and prominently displayed on our agendas. We will continue to livestream meetings whether they are conducted live or remotely. In regard to cablecasting we will seek to identify associated costs and seek additional funding for necessary staff and equipment.” [Emphasis in original.]

Auditor Comment: The Community Boards’ obligation to make their meetings and hearings available for broadcasting and cablecasting requires more than passive acquiescence in the event someone wanted to record or broadcast a meeting or hearing. Community Boards should seek guidance from the City agencies that are responsible for assisting them and determine how they can obtain access to the channels franchisees are required to designate for governmental use, identify the associated costs, and allocate or seek the necessary resources to comply with the City Charter mandate.

Board #1, #2, #3, #4, #5, #7, #9, #11, #12, #13, and #14 Responses to Recommendations #1 through #5: With regard to Recommendations #1 through #5, Queens Community Boards #1, #2, #3, #4, #5, #9, and #12 submitted written comments in response to certain draft report findings. However, Queens Community Boards #1, #2, #3, #4, #5, and #9’s written comments generally did not address the report’s recommendations.

Queens Community Boards #7, #11, #13, and #14 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 Queens 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, 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 take the necessary steps to ensure that all meetings and hearings are made available for broadcasting and cablecasting.

Queens 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 14 Queens Community Boards maintained websites which provided board contact information. However, 3 of the 14 Queens Community Boards did not provide adequate public notice of their September 2021 general board meeting on their websites. Specifically, we found that the public notice posted by Queens Community Boards #4, #9, and #13 did not provide the internet address of the website streaming their September 2021 general board meetings.

Since Queens Community Boards #4, #9, and #13 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.

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 Queens Community Board websites for the period June 2019 through May 2020, 10 of the 14 Queens Community Boards did not post all required meeting minutes on their websites, as detailed in Table VI below. Furthermore, three Queens Community Boards did not post *any* of the required meeting minutes (Queens Community Boards #3, #13 and #14).

Table VI

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

Month	Meeting Minutes Published on Queens Community Board Website? (Yes/No)													
	CB1	CB2	CB3	CB4	CB5	CB6	CB7	CB8	CB9	CB10	CB11	CB12	CB13	CB14
June 2019	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	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	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	N/A	N/A
September 2019	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No Meeting	No
October 2019	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No Meeting	No
November 2019	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No Meeting	No
December 2019	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No Meeting	No	No Meeting	No
January 2020	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
February 2020	Yes	Yes	No	Yes	Yes	No	Yes	Yes	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	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	N/A	N/A
May 2020	No	Yes	No	No	Yes	No	Yes	Yes	No	No	No	No Meeting	No Meeting	No
Total Meetings Conducted	8	8	8	8	8	8	8	8	8	8	7	7	3	8
Total Minutes Posted	7	8	0	6	8	6	8	8	6	7	5	1	0	0
Total Minutes Not Posted	1	0	8	2	0	2	0	0	2	1	2	6	3	8

After we presented our findings to the Queens Community Boards, some Queens Community Board officials stated that the full board votes on meeting minutes at the following month's general board meeting and that minutes are not posted on the website until after the board meets and approves the minutes, which can result in up to a 30-day lag in posting meeting minutes.

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.

Additionally, Queens Community Boards #1, #3, #6, #9, #10, and #14 provided supporting documentation to show that the general board meeting minutes which were not posted on their websites during our initial review are currently posted on their websites.

By not posting all meeting minutes as required, the Queens Community Boards limit the public's ability to review discussions and deliberations from, and actions taken at, prior meetings.

One Board Did Not Maintain Its Website 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 the Queens Community Board websites during July 2020 found that 1 of the 14 Queens Community Board websites did not include a translation feature (Queens Community Board #3).

After we presented our findings to the Queens Community Boards, Queens Community Board #3 officials stated that the board updated its website and it now includes a translation feature. Our review of the Queens Community Board #3 website in November 2021 found that the board did in fact update and convert its website from a platform that had been provided by an outside vendor to the DoITT website platform, and the updated website now includes a translation feature.

Most Boards 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 Queens Community Board websites during October 2021, 12 of the 14 Queens Community Boards did not maintain a website that was fully accessible for persons with disabilities. The 12 Queens Community Board websites, all of which were provided by DoITT, had a combined 90 errors—85 website accessibility errors and 5 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

Queens Community Boards'
Website Accessibility and Contrast
Errors

Queens Community Board	# of Website Accessibility Errors	# of Contrast Errors	# of Total Errors
CB1	16	0	16
CB2	3	0	3
CB3	3	1	4
CB4	8	0	8
CB5	14	1	14
CB6	16	0	16
CB7	0	0	0
CB8	3	0	3
CB9	1	0	1
CB10	6	0	6
CB11	0	0	0
CB12	2	0	2
CB13	6	3	9
CB14	7	0	7
Total	85	5	90

The 90 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.

After we presented our findings to the Queens Community Boards, some Queens Community Board officials stated the Community Boards do not maintain their own websites and that the accessibility of their websites is out of their control because the boards who use a DoITT website do not have the ability to make changes to their website and it is ultimately DoITT's responsibility to ensure that websites are accessible.

By not fully adopting the protocols required to make their websites accessible for persons with disabilities, the Queens 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 Queens 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 #6 Response: “We are in receipt of this report and your recommendations and will ensure these recommendations are implemented to the best of our ability in 2022.”

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

Board #10 Response: “Community Board 10Q is compliant.”

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

Board #6 Response: “We are in receipt of this report and your recommendations and will ensure these recommendations are implemented to the best of our ability in 2022.”

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

Board #10 Response: “Community Board 10Q is compliant. The draft report states that we were not and cites that the minutes of our May 2020 meeting were not posted on our website when reviewed for this audit. Our usual and customary date for meetings over a period of many years has been the first Thursday of the month. Our April 2020 meeting was scheduled to take place on April 2, 2020. April 2, 2020 was before the Governor’s Executive Order that suspended the provisions of the Open Meetings Law occurred. Had we met on April 2, 2020 it would have had to be a live, in-person meeting. We opted to postpone that meeting until later during the month in hopes that there would be action taken at the State level to permit meeting remotely. That did happen and CB10Q met remotely on April 22, 2020. However, that change disrupted our schedule for May 2020 when our meeting should have been on May 7, 2020 essentially causing us to conduct the May meeting at a later date in May. Our May meeting took place on May 19, 2020 and we remained ‘off schedule’ until the summer break by also scheduling our June meeting late in the month. The June meeting was held on June 16, 2020 rather than on June 4, 2020. As of September 2021, CB10Q has reverted to our regular schedule of meetings on the first Thursday of the month.

As a result, our May 19, 2020 meeting minutes would not have been publicly posted until approved as correct by the board members at the June 16, 2020 meeting. Posting them on a website prior to their approval could result in readers possibly getting misinformation.”

Auditor Comment: We reviewed Queens Community Board #10’s website on June 23, 2020, to determine whether meeting minutes were posted for the

preceding 12 months. As of that date, Queens Community Board #10's May 2020 general board meeting minutes were not posted on its website, but they were subsequently posted there.

8. Contact DoITT and website platform vendors to ensure that their websites are fully accessible to persons with disabilities in accordance with the WCAG 2.0 Level AA standard.

Board #1 Response: "Our office has no control over the ADA changes required. It is up to the technicians at DOITT to keep our sites ADA compliant."

Board #2 Response: "CB 2 does not have control over the ADA changes you required."

Board #3 Response: "Community Board3 worked with DO ITT in developing the new website to ensure that we are in compliance. The website was reviewed and approved by DOITT."

Auditor Comment: With regard to the responses from Queens Community Boards #1, #2, and #3, the City Charter requires Community Boards to maintain a website, "[w]ith assistance and support from [DoITT]." Therefore, we reiterate our recommendation that the Community Boards should contact DoITT to ensure that their websites include a translation feature and are fully accessible to persons with disabilities in accordance with the applicable WCAG 2.0 Level AA standard.

Board #4 Response: "Community Board 4 has reached out to and will continue to be in touch with DOITT for website maintenance and compliance."

Board #5 Response: "Staff of Queens Community Board 5 will communicate with staff of DoITT to determine how the website of Queens Community Board 5 can be more fully accessible to persons with disabilities."

Board #6 Response: "We are in receipt of this report and your recommendations and will ensure these recommendations are implemented to the best of our ability in 2022."

Board #8 Response: "The recommendation on Page 23 is to contact DoITT and website platform vendors to ensure our websites are fully accessible with WCAG 2.0 Level AA standard. Wouldn't this make us non-compliant with the current adopted protocol WCAG 2.1 Level AA standard? **Our office has since contacted DoITT and requested that they comply with the current standard, not the previous standard.** Additionally, we do not have a record of the current or previous administration sharing the City of New York's adoption of *the before mentioned protocols* prior to the audit." [Emphasis in original.]

Board #10 Response: "At the Exit Conference we requested some detail as to what the errors cited were. Thank you for providing that information. CB10Q will contact DoITT which is the agency that maintains our website and will request the errors be corrected."

Board #1, #2, #3, #4, #5, #7, #9, #11, #12, #13, and #14 Responses to Recommendations #6 through #8: With regard to Recommendations #6 through #8, Queens Community Boards #1, #2, #3, #4, #5, #9, and #12 submitted written comments in response to certain draft report findings. However, Queens Community Boards #1, #2, #3, #4, #5, and #9's written comments generally did not address the report's recommendations.

Queens Community Boards #7, #11, #13, and #14 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 Queens 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 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 Queens 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 Queens Community Board bylaws.

To gain an understanding of the 14 Queens 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 14 Queens 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 14 Queens Community Boards provided adequate public notice of their 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 14 Queens 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 who 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 14 Queens 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 14 Queens Community Boards maintained websites, we reviewed the Queens 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 if the website provided verifiable board contact information.

To determine if the 14 Queens 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 14 Queens Community Boards maintained websites which contained meeting minutes from past meetings for the past 12 months. In June 2020, we reviewed each of the 14 Queens 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 14 Queens 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 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 14 Queens 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

Queens 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	Yes	No	No	No	No	Yes	Yes	Yes	No	Yes	Yes	No
CB2	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
CB3	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	Yes	No	No
CB4	Yes	No	No	No	No	Yes	Yes	No	No	Yes	Yes	No
CB5	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No
CB6	Yes	No	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	No
CB7	Yes	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
CB8	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
CB9	Yes	No	Yes	No	No	Yes	Yes	No	No	Yes	Yes	No
CB10	Yes	Yes	No	No	No	Yes	Yes	Yes	No	Yes	Yes	No
CB11	No	No	No	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
CB12	No	No	No	No	No	Yes	Yes	Yes	No	Yes	Yes	No
CB13	No	No	No	No	No	No	Yes	No	No	Yes	Yes	No
CB14	Yes	No	No	No	No	Yes	Yes	Yes	No	Yes	Yes	No



City of New York Community Board #1, Queens

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EXECUTIVE BOARD

Marie Torniali
Chairperson

First Vice Chairperson
Amy Hau
Second Vice Chairperson
Richard Khuzami
Third Vice Chairperson
Avninder Aujla
Executive Secretary
Thomas Ryan
Sergeant-at-Arms

COMMITTEES & CHAIRPERSONS

Airport
RoseMarie Poveromo
*Community & Economic
Development*
Mackenzi Farquer
Consumer Affairs
Dino Panagoulas
*Education/Library/Youth
Services*
Stella Nicolaou
Environmental/Sanitation
Antonella Di Saverio
Dominic Stiller
Health & Human Services
Judy Trilivas
Daniel Aliberti
Housing
Evie Hantzopoulos
Land Use & Zoning
Gerald Caliendo
Elizabeth Erion
*Legal, Legislative,
Parliamentary*
Avninder Aujla
Office-Staff/Budget/PR
Marie Torniali
*Parks/Recreation/
Cultural*
Katie Ellman
Kathleen Warnock
Public Safety
Ann Bruno
Antonio Meloni
Transportation
Mitchell Waxman

December 15, 2021

Marjorie Landa
Deputy Comptroller for Audit and Investigation
Office of the New York City Comptroller
One Centre Street, 11th Floor North
New York, New York 10007

Dear Deputy Comptroller Landa,

Our office is responding to the City of New York Comptroller's Financial Audit 2021. This audit occurred at the time of a worldwide pandemic when each Community Board in the City of New York was adapting to unusual and extreme circumstances.

Our office was infected by COVID-19 early on yet remained up and running. At this time, our office shifted to utilizing a laptop that did not have necessary programs, such as Word or Excel, installed however we provided all expected services to our community swiftly and thoroughly.

After reviewing the 2021 audit, it appears your agency's assessment is flawed. Your office's review of the Preliminary Draft contains a myriad of errors, which we addressed at the exit conference, and were not corrected.

For example, on page 7 the audit omits East Elmhurst as a section of our district. East Elmhurst abuts LaGuardia Airport and is the gateway to Rikers Island. On page 10 the definition for public hearing is highly debatable. On Page 13 your chart indicates errors in the listings of Public Hearings for Community Board 1, Queens. 2019 website archive posts "Public Hearings".

When reviewing page 15 of the audit, paragraph 3 referring to Community Board 1, Queens practice is inaccurate. The narrative describes no opportunity for the public to speak on hearing items. The following is the accurate description of public speaking opportunities adhered to at each meeting. Following each Public Hearing the floor is open to Board membership questions followed by Public questions before the hearing is closed and prior to voting occurring. The public is also afforded the opportunity to speak during Public Session at every meeting to address any item of concern or issue related to the District.

Donovan Richards
Borough President, Queens
Maricela Cano
Director, Community Boards
Marie Torniali
Chairperson
Florence Koulouris
District Manager

BOARD MEMBERS (cont.)

Helene Abiola
Rose Anne Alafogiannis
George Alexiou
Louise Bordley
Shoma Brahmanandam
Irak Dahir Cehonski
Jean Marie D'Alleva
Dean O. Feratovic
Shahenaz Hamde
Helen Ho
Vanessa Jones-Hall
Nancy Konipol
Amr Kotb
Jerry Kril
Cristina Lastres
Diana Limongi
Chelsea Lopez
Hannah Lupien
Jeffrey Martin
Amin Mehedi
Doreen Mohammed
Eric Mouchette
Mary O'Hara
Juliet Payabyab
Yawne Robinson
Brian Romero
Andre Stith
Rod Townsend
Rosemary Yelton

December 15, 2021
Marjorie Landa
Page 2

Page 16 of the 2021 audit references eight (8) of the fourteen (14) Boards including CB1, Queens not providing adequate public notice of those meetings. Our office informed your auditing team we advertise in local papers, use LinkNYC, use USPS mailing to the public, Queens Library, churches, elected officials' offices, mosques and not-for-profits and two (2) forms of social media as well as our website. Our meetings are shared far and wide with paper copy access. Due to this audit we additionally post in our office building's lobby.

In the past, we were informed Community Boards are not included in the requirement to broadcast. Our office was never informed of any change to that rule. We were aware several Councilmembers provided funds as a beta test to broadcast Community Board Meetings. Our Board never received these funds. There was no budget increase to facilitate broadcasting/cablecasting. There was no dialogue at any time regarding the alleged mandate to broadcast/cablecast. On page 17 the audit states Community Board 1, Queens reported we do not make our meetings available for cablecasting, broadcasting on the radio or internet. This is inaccurate all Community Board meetings are "available" for broadcasting on the internet or radio. In fact, Congresswoman Alexandria Ocasio Cortez (AOC) had visited our meeting with camera crews prior to COVID-19. These crews were freely able to audiocast/ broadcast/cablecast as they may have chosen to do. Our Board has not prohibited broadcasting or cablecasting it is "available". In fact, we transitioned to Zoom as soon as it was available during the Executive Order because we are ready willing and able to comply. In addition, we now post meetings on YouTube. This displays our ability to adapt once the tools and training are provided.

On page 20 of the 2021 audit the graph states CB1, Queens does not have May Minutes posted, again, this is an inaccurate statement. Not only does Board 1, Queens have the May Minutes posted, https://www1.nyc.gov/assets/queenscb1/downloads/pdf/2020_cb1q_board_meeting_minutes_5_19.pdf, the Board has amended May Minutes posted, <https://www1.nyc.gov/assets/queenscb1/downloads/minutes/board-meeting-minutes-051920-amended.pdf>, as shown here.

Moving forward to page 22's graph, we discussed, at the exit audit, the fact that NYC Community Boards work in concert with the NYC Department of Information Technology and Telecommunications (DOITT). Our offices provide the NYC Agency our information and the NYC agency responsible for technology posts information to our websites. When we met with your agency, we explained the situation related to our websites and the fact that we work in concert with the DOITT. We requested, at the exit review, to receive feedback on your findings so we could alert DOITT and have the situations rectified. Our office has no control over the ADA changes required. It is up to the technicians at DOITT to keep our sites ADA compliant. We were directed by the City of New York representatives, who desired uniform websites and we complied working with DOITT as instructed. Your evaluation is not illustrative of CB1, Queens it is a representation of another agency.

Thank you for your evaluation. We have taken away improvements that can be made and will seek funding from the City of New York to fulfill requirements. We work diligently to meet the needs of each resident and/or visitor to our community.

Sincerely,


Marie Tornelli
Chairperson


Florence Koulouris
District Manager

cc: 



Donovan Richards
Queens Borough President

Community Board No. 2

43-22 50th Street, 2nd Floor
Woodside, New York 11377

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Email qn02@cb.nyc.gov
www.nyc.gov/queenscb2

Morry Galonoy
Chairperson

Debra Markell Kleinert
District Manager

December 14, 2021

Marjorie Landa
Deputy Comptroller for Audit
City of New York
Office of the Comptroller
David N. Dinkins Municipal Building
1 Centre Street, Room 1100
New York, NY 10007

Dear Ms. Landa:

Community Board 2 is writing to request corrections be made to the following discrepancies in the Audit Report sent to Community Board 2 Queens.

Table II - Total staffing level for each Community Board.

With reference to Table II, under Community Board 2, the information is incorrect. As of September 30, 2021, Community Board 2 had 4 staffers with one employee under the title of Community Service Aide. This category was not included in the audit report and should be corrected to reflect that CB 2 has an employee under this category.

Table V

With reference to Table V, the audit report indicates CB 2 had no public hearings on four (4) different dates. Please be advised every meeting has a public comment segment which allows members of the community to speak about their concerns. CB 2 believes this section should reflect all meetings were in compliance with a public hearing as the public is allowed to speak.

Table VII - Website Accessibility and Contrast Errors

With reference to Table VII, the audit report lists that CB 2 had 3 errors under the category of # of Website Accessibility Errors. When we met with your agency, it was explained that CB 2 has no control over the website which is maintained by Department of Information and Technology

"Serving the Communities of Long Island City, Sunnyside, Woodside, and Maspeth"

(DOITT). We requested at that time to receive feedback on your findings so we could notify DOTT and have the errors corrected. CB 2 does not have control over the ADA changes you required.

CB 2 is requesting your assistance to resolve these errors so that we may be in full compliance.

We appreciate your review of this matter and look forward to hearing from you.

Sincerely,



Debra Markell Kleinert
District Manager

DMK/mag

Cc: Morry Galonoy, Chairperson, Community Board 2



COMMUNITY BOARD No. 3, Q.
82-11 37th Avenue, Suite 606
Jackson Heights, New York 11372
Telephone: (718) 458-2707 Fax: (718) 458-3316

12/20/21

Marjorie Landa, Deputy Comptroller for Audit
Office of the Comptroller
One Centre Street – Room 1100
New York, NY 10007

Re: Audit Report on the Fourteen Queens Community Boards' Compliance with New York City Charter and New York City Administrative Code Requirements for Public Meetings and Hearings, and for Websites. FK21-073A

Dear Deputy Comptroller Landa:

Please find our responses to the items outlined in the draft report pertaining Queens Community Board3:

Page 7

“Community Board 3 did not hold Public Meetings during October and November 2020.”

Kindly note that Queens Community Board 3 did hold public meetings in October and November 2020. Please find included in our response the minutes for the said meetings.

Page 8

“Community Board 3 did not hold Public Hearings during months of October and November 2020.”

Please find attached the minutes for the aforementioned meetings.

Page 13

“Community Board 3 did not post the required meeting minutes. “

Queens Community Board 3's website was underdevelopment at the time of the audit. We replaced the previous website as it was no longer operable. The launch year for the old site was 1999. Since the new website has been launched, Minutes and other publicly shared documents have been posted on site and can be viewed at queenscb3.cityofnewyork.us. Also included in our response are the minutes for the referenced months.

Page 14

“Queens Community board 3 did not published minutes on the website during June, September, October, November, December 2019 and January 2020.

Queens Community Board 3’s website was underdevelopment at the time of the audit. We replaced the old website. It was no longer operable as the original launch year for this site was 1999. Minutes and other publicly shared documents have been posted on the new website and can be viewed at queenscb3.cityofnewyork.us and is included in our response.

Page 16

“Website Accessibility and Contrast Errors”

Community Board3 worked with DOITT in developing the new website to ensure that we are in compliance. The website was reviewed and approved by DOITT.

Page 20

“Queens Community Board 3 did not hold meetings each month”

We are very proud to state that QCB3 held committee, District Cabinet meetings and Full Board meetings without fail. Attached please find our meeting minutes and agendas.

Page 20

“Queens Community Board3 did not hold Hearings each Month “

Community Board 3 held hearings each month that we convened. Minutes have been provided for your review.

Page 20

“Queens Community Board 3 Website does not have a translation feature nor is it fully accessible to persons with Disabilities.”

QCB3 has a translation feature and is fully accessible to individuals with disabilities. During the construction of our new website, the developer conferred with DOITT to ensure that we made all of the requirements. You made confirm that the aforementioned tools are in place by visiting our website at queenscb3.cityofnewyork.us. Further included in this correspondence of our website picturing the translation and disability access tools.

Page 20

“Queens Community Board did not make meetings and hearings available for broadcasting on the radio and cablecasting.”

Funding was not made available for our board during the review period, however, in prior years, CB3 was able to live stream 4 meetings per annum because Council Member Daniel Dromm allotted discretionary funds to pay for the service. We have looked into funding these services from our operational budget but found that the costs are prohibitive, \$2,500 per session. We welcome the opportunity to live stream and or broadcast again. Community Boards require the necessary funds to pay for the service. In the interim, our board meetings are posted on you tube and members of the community are invited to login to our meetings and participate in the session.

In conclusion, Queens Community Board 3 has reviewed the findings of the audit. We are proud to say that many of the recommendations outlined in the report, have been in practice at QCB3 for many years. Each month, the community is invited to participate in Public Participation Public Information and Public Hearing sessions. The public is encouraged to ask questions or make comments. At each community board meeting the public has at least three opportunities to participate in the discussions.

We utilize the traditional outreach tools, media, social media and the community kiosk. We however wish to improve upon our community outreach by utilizing radio broadcasting and cablecasting. You probably have noted that, community boards have meager budgets and do not have monies to pay for the equipment and professional services needed for broadcasting and cablecasting. We'd therefore appreciate your assistance in to directing us to all funding sources that may be available.

Thank you for the opportunity to comment.

Sincerely,

Giovanna A. Reid

District Manager

Queens Community Board3



COMMUNITY BOARD # 4Q

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46-11 104th Street

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Donovan Richards
Borough President

Marialena Giampino
Chairperson

Ebony Young
Deputy Borough President

Christian Cassagnol
District Manager

December 20, 2021

Marjorie Landa,
Deputy Comptroller for Audit
Office of the Comptroller
One Centre Street – Room 1100
New York, NY 10007

Re: Audit Report on the Fourteen Queens Community Boards' Compliance with New York City Charter and New York City Administrative Code Requirements for Public Meetings and Hearings, and for Websites. FK21-073A

Dear Deputy Comptroller Landa:

This is CB4Q's response to the above referenced Audit Report FK21-073A ("the Audit").

Re: Table V- Analysis of Monthly Public Hearings for the Period September 2019 through November 2020

The Board maintains its position in that the public is given a chance to speak at every Board meeting on any subject matter of their choosing including upcoming agenda items for that evening. While this public comment period does not hold the title of "hearing", it takes place before board business, thus providing the Board with an overview of public opinion before voting on items.

As per recommendation, the Board will more openly state "Hearing" on future notices.

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

This statement is incorrect as Community Board 4 provides adequate notice to all residents within a 500-foot radius of the subject matter whenever a Public Hearing takes place. The item is posted in the City record no less than 7 days in advance of the hearing. Additionally, notices are posted in public places such as utility poles, libraries, and hard copies of notices are mailed, emailed, and posted across social media. This is all done no less than 7 days before the scheduled hearing.

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

As per attached, Community Board 4 maintains its position in that there is no known requirement stating that this is mandated. Due to funding constraints, Boards are unable to provide such a service. Additionally, all meetings are live streamed on YouTube via Facebook.

Queens 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

- Community Board 4's position is that the May minutes are in fact posted on its website (nyc.gov/queenscb4/minutes) Due to an issue with recording equipment, minutes for the January meeting were compromised, and not generated.
- Community Board 4 has reached out to and will continue to be in touch with DOITT for website maintenance and compliance.

Sincerely,

Marialena Giampino

Marialena Giampino, CB4Q Chair

Christian Cassagnol

Christian Cassagnol, CB4Q District Manager



Community Board No. 5

Borough of Queens
Ridgewood, Maspeth, Middle Village and Glendale
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Vincent Arcuri, Jr.
Chairperson

Gary Giordano
District Manager

December 17, 2021

Marjorie Landa, Deputy Commissioner for Audit
Bureau of Audit
Office of the Comptroller of the City of New York
David N. Dinkins Municipal Building
1 Centre Street (Room 1100)
New York, NY 10007

COMMENTS OF QUEENS COMMUNITY BOARD 5

RE: DRAFT AUDIT REPORT SUBMITTED BY THE OFFICE OF THE COMPTROLLER
OF THE CITY OF NEW YORK – AUDIT REPORT ON THE FOURTEEN QUEENS COMMUNITY BOARDS'
COMPLIANCE WITH NEW YORK CITY CHARTER AND NEW YORK CITY ADMINISTRATIVE CODE
REQUIREMENTS FOR PUBLIC MEETINGS AND HEARINGS, AND FOR WEBSITES (FK21-073A)

FINDINGS AND RECOMMENDATIONS

In page 10 of the subject Audit Report, the report states that "Specifically, we found that most of the 14 Queens Community Boards did not consistently conduct monthly public hearings, and that certain Queens Community Boards did not consistently conduct monthly general board 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, did not set aside time for the public to speak before the board took actions such as votes during meetings, and did not publish past meeting minutes on their websites."

In page 12 of the subject Audit Report – Table IV - Analysis of Monthly General Board Meetings for the Period: September 2019 through November 2020, the analysis states that CB5Q conducted 11 public monthly meetings during this period, exclusive of the months of March and April, 2020, which was the height of the COVID Pandemic locally, and in July and August, 2020, when community boards are not required to conduct monthly public meetings. Therefore, CB5Q met our requirements completely regarding conducting all the monthly public meetings required during this period.

In page 13 of the subject Audit Report – Table V – Analysis of Monthly Public Hearings for the Period: September 2019 through November 2020, the analysis states that CB5Q conducted public hearings in 6 of the 11 months that were analyzed.

Queens Community Board 5 conducts a Public Hearing, as required, regarding the Mayor's Preliminary Budget, which is usually conducted each February or March, depending upon when the Mayor's Preliminary Budget is available for review. We also conduct an Annual Public Hearing regarding the Capital and Expense Budget of the City of New York, as it relates to the communities of District 5, Queens, which is usually conducted each September. In addition, CB5Q has a long history of conducting

Page 2
December 17, 2021

COMMENTS OF QUEENS COMMUNITY BOARD 5

RE: DRAFT AUDIT REPORT SUBMITTED BY THE OFFICE OF THE COMPTROLLER OF THE CITY
OF NEW YORK – AUDIT REPORT ON THE FOURTEEN QUEENS COMMUNITY BOARDS' COMPLIANCE
WITH NEW YORK CITY CHARTER AND NEW YORK CITY ADMINISTRATIVE CODE REQUIREMENTS FOR
PUBLIC MEETINGS AND HEARINGS, AND FOR WEBSITES (FK21-073A)

Public hearings regarding rezoning applications and special permit applications filed with the N.Y. City Dept. of City Planning, and even consistently conducts public hearing regarding new and renewal applications filed with the N.Y. City Board of Standards and Appeals.

While we do conduct a Public Forum at the beginning of every monthly board meeting, where someone from the public can present comments to the board orally or in writing, we admit that there were 5 months of the 11 subject months when we did not conduct a public hearing regarding a particular subject.

In page 14 of the subject Audit Report, the 6th paragraph states "Since most of the 14 Queens Community Boards did not fully 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 budget priorities, and programs and services."

While CB5Q did not conduct a Public Hearing every month, as stated in the Audit Report, it is important to point out that CB5Q has conducted a Public Hearing regarding any Rezoning Application, Special Permit Application, BSA Application, and Annual Capital and Expense Budget Hearings to help our board formulate budget priorities. Historically, CB5Q has conducted a Public Hearing when there was a significant reason to conduct a Public Hearing.

It is also important to state that CB5Q consistently conducted a Public Forum at the beginning of every Monthly Board Public Meeting, which gives people an opportunity to express their views prior to the board voting on matters.

In page 15 of the subject Audit Report, the section entitled Most Boards Did Not Provide Adequate Public Notice of Meetings and Hearings speaks of the requirements that each board shall give adequate public notice of its meetings and hearings.

CB5Q has consistently given public notice of monthly board meetings and hearings at least one week in advance by emailing such notice to board members, local civic leaders, local elected officials, people in the community on our email listings, and the 3 local weekly newspapers that cover the Community District 5, Queens area. We always post notice of our monthly board meetings, hearings and committee meetings on the front door window at our Myrtle Avenue office, which is a public location. In addition, meeting notices have consistently been posted on the website of Queens Community Board 5.

Page 3
December 17, 2021

COMMENTS OF QUEENS COMMUNITY BOARD 5

RE: DRAFT AUDIT REPORT SUBMITTED BY THE OFFICE OF THE COMPTROLLER OF THE CITY
OF NEW YORK – AUDIT REPORT ON THE FOURTEEN QUEENS COMMUNITY BOARDS' COMPLIANCE
WITH NEW YORK CITY CHARTER AND NEW YORK CITY ADMINISTRATIVE CODE REQUIREMENTS FOR
PUBLIC MEETINGS AND HEARINGS, AND FOR WEBSITES (FK21-073A)

In page 17 of the subject Audit Report, the section entitled Boards Did Not Make Meetings and Hearings Available for Broadcasting and Cablecasting states that, according to the New York City Charter, Community boards shall make meetings and hearings available for broadcasting and cablecasting.

Queens Community Board 5 has had our monthly board meetings broadcasted live on YouTube and posted on our website since before the Pandemic started. We have a consultant that does this work. We have been quite diligent in getting the minutes of monthly board meetings posted on our website. Regarding cablecasting, this would be much more difficult to accomplish even if community boards could afford this production financially.

In page 15 of the subject Audit Report, the section entitled: Most Boards Did Not Maintain Websites Fully Accessible to Persons With Disabilities speaks of 12 Queens Community Board websites not maintaining a website that was fully accessible for persons with disabilities. Staff of Queens Community Board 5 will communicate with staff of DoITT to determine how the website of Queens Community Board 5 can be more fully accessible to persons with disabilities.

We have worked diligently to meet the requirements as put forth in this audit report and we will sincerely work to improve in those areas stated in this audit, where we reportedly did not meet all the requirements set forth in the New York City Charter and the New York City Administrative Code for public meetings and hearings, and for websites.

Sincerely,



Vincent Arcuri, Jr.
Chairperson

Sincerely,



Gary Giordano
District Manager

CC: Hon. Scott Stringer, Comptroller of the City of New York
Hon. Donovan Richards, Queens Borough President
[REDACTED]

December 22, 2021

New York City Comptroller's Office
1 Centre Street – Room 1100
New York, NY 10007
Attention: Marjorie Landa, Deputy Comptroller for Audit

Re: Audit Report on the Fourteen Queens Community Boards' Compliance with New York City Charter and New York City Administrative Code Requirements for Public Meetings and Hearings, and for Websites - FK21-073A

Dear Ms. Landa,

I am writing to respond to your draft report for the above-mentioned Audit.

We are in receipt of this report and your recommendations and will ensure these recommendations are implemented to the best of our ability in 2022.

Thank you for your time and consideration.

Sincerely,

Frank P. Gulluscio
District Manager

Cc: [REDACTED]



The City of New York
Borough of Queens

Community Board 8

197-15 Hillside Avenue
Hollis, NY 11423-2126
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Qn08@cb.nyc.gov
www.nyc.gov/queenscb8



District Manager, DIANE COHEN

Chairman, ALVIN WARSHAWIAK

December 20, 2021

Marjorie Landa, Deputy Comptroller for Audit
Office of the Comptroller
One Centre Street – Room 1100
New York, NY 10007

Re: Audit Report on the Fourteen Queens Community Boards' Compliance with New York City Charter and New York City Administrative Code Requirements for Public Meetings and Hearings, and for Websites. FK21-073A

Dear Deputy Comptroller Landa:

This is in response to the above referenced Audit Report FK21-073A ("the Audit"). Our community boards were originally alerted by the Comptroller's office of a *Financial Statement and Single Audit* on April 16, 2021, which did not take place. Instead, an audit was done of our meetings, public hearings and websites during a pandemic. As documented on Page 5 of the Audit, every community board had their budgets decreased by approximately 9% to 15% from Fiscal Year 2019 to Fiscal Year 2021. Nevertheless, community boards are being asked to do more with less. Community Boards should be commended for the work that they do despite the lack of resources. They managed to continue serving their residents when most community boards only have three (3) staff members including the district manager during a pandemic.

Conduct Public Meetings and Public Hearings

This is in response to the audit recommendation that boards conduct public meetings and public hearings every month. Community Boards are **required** to hold public hearings on land use and zoning proposals, capital projects, and capital budget priorities. Community Board 8 does meet that requirement, as we have held public hearings when these matters came to us. If Community Board 8 was presented with these matters that you cited to review during the months of October 2019, December 2019, January 2020, February 2020, May 2020, June 2020, September 2020, and November 2020, then we would have held separate public hearings to hear from the community before making a decision. How can we hold hearings to "...gauge public opinion **on a matter**," when there were not any **specific** matters to gauge the public's opinion on?

The judiciary, which interprets the laws, often makes decisions based on the *spirit of the law* [what the law seeks to accomplish] not just the letter of the law. This may be why in the City Charter reads, "... At each public meeting, the board shall set aside time to hear from the public." Even if our meetings did not meet the criteria for public hearings in that there was no specific subject matter to be heard, at every general Community Board 8 meeting, members of the public are heard. They are allowed up to three (3) minutes to speak on any matter of their choosing including issues that affect our district such as programs

and services. Additionally, our board has taken action based on issues raised by our residents at these meetings. **This in our view fulfills the spirit of the law.**

As recommended by the Law Department, we will have public hearings in conjunction with our monthly meetings. The Public Participation section of our meetings will be replaced with a Public Hearing.

Boards did not make Meetings and Hearings Available for Broadcasting and Cablecasting

This is in response to the finding that, "*...11 Queens Community Boards reported that they did not make their meetings and hearings available for broadcasting on the radio or on the internet....*" This is incorrect. Community boards are not required to broadcast or cablecast its meetings and public hearings; however, they were made **available** for broadcasting on the radio or on cable casting etc. They were available in as much as *available* means ***possible, ready for use, or willing*** as per the definitions found on the Merriam Webster dictionary.

The Comptroller's Audit based its findings on **the false premise** that the New York City Charter meant that *Community Boards shall broadcast on the radio or on cable casting etc.* The word *available* changes the whole meaning of what CBs shall do. As such, I urge the Comptroller's office to remove these citations against the boards.

As recommended by the Law Department, we will continue to make our meetings/hearings available for broadcasting/cablecasting by continuing to send our notices to those who may be interested in doing so.

Public Notice of Meeting and Hearings

The audit specifically noted that certain boards did not give adequate public notice as they did not post notices in public locations. During the pandemic many places that would post our notices in physical public locations (i.e., Queens Public Library) were not open. While some boards were creative and posted on their storefront windows not all community board offices are located in a storefront. We were told at the exit conference that boards should have taken advantage of the LinkNYC kiosks. Some of our boards do not have any of these kiosks installed within our borders.

Our notices are posted on our storefront window. We will place notices on LinkNYC kiosks if/when they are installed within our boundaries.

City Charter and NYC Administrative Code Website Requirements

This is in response to Queens Boards did not fully comply with City Charter and NYC Administrative Code Website Requirements. Our website has a translation feature, and the text can be resized. I assert that the Department of Information Technology and Telecommunications is wholly responsible to ensure that our website which they created and maintain meets the City's accessibility criteria. Additionally, I agree with my colleague, Jonathan Gaska of CB14Q, in that the report should include this statement, "Although the Community Board websites were cited for errors, the Boards are not responsible for these errors since the Department of Information Technology and Telecommunications (DoITT) was the agency that built and maintained these websites. This footnote below is taken from Page 21 of the audit.

⁵ 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.

The City of New York adopted the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA standard as of July 2021.

The recommendation on Page 23 is to contact DoITT and website platform vendors to ensure our websites are fully accessible with WCAG 2.0 Level AA standard. Wouldn't this make us non-compliant with the current adopted protocol WCAG 2.1 Level AA standard? **Our office has since contacted DoITT and requested that they comply with the current standard, not the previous standard.** Additionally, we do not have a record of the current or previous administration sharing the City of New York's adoption of *the before mentioned protocols* prior to the audit.

The Comptroller's office made their recommendations to the community boards which includes allocating and seeking funding for broadcasting and cablecasting. With our reduced budget we cannot allocate funding. While we dispute that broadcasting and cablecasting our meetings and public hearings are Charter mandated, we acknowledge that doing so would be beneficial in reaching more residents, which is ideal. By copy of this letter, we are asking the Mayor and City Council to appropriate funds for this purpose. This can be done under a specific code that can only be used for technology and/or broadcasting and cablecasting costs – akin to the funding that was secured by Council Member Fernando Cabrera in Fiscal Year 2020. The City should cease having unfunded mandates.

Sincerely,

Martha Taylor

Martha Taylor, Chairperson

Marie Adam-Ovide

Marie Adam-Ovide, District Manager

Cc: Honorable Bill DeBlasio, Mayor
Mr. Eric Adams, Mayor-elect
Honorable Scott Stringer, NYC Comptroller
Honorable Donovan Richards, Queens Borough President
New York City Council Members
Ms. Linda Lee, Council Member-Elect – 23rd District
All Queens Community Boards

From: [McClelland, James](#)
To: [REDACTED]
Cc: [REDACTED]
Subject: Community Board 9 Response
Date: Monday, December 20, 2021 12:04:27 PM

March and April Public Meetings/Minutes

March 2020

https://www1.nyc.gov/assets/queenscb9/downloads/pdf/agendas/2020/march_10th_2020_agenda.pdf

https://www1.nyc.gov/assets/queenscb9/downloads/pdf/minutes/2020/march_10_2020_minutes.pdf

April 2020

https://www1.nyc.gov/assets/queenscb9/downloads/pdf/agendas/2020/april_21_2020_agenda.pdf

https://www1.nyc.gov/assets/queenscb9/downloads/pdf/minutes/2020/april_21_2020_minutes.pdf

Public Hearings

Please be advised that each month we hold Public Hearings (Agenda item #1)

During this time the Board discusses SLA applications (New and Renewals) and business owners are afforded the opportunity to present information regarding their establishment.

May Public Hearing

https://www1.nyc.gov/assets/queenscb9/downloads/pdf/may_19_2020_agenda.pdf

February 2020 Minutes

https://www1.nyc.gov/assets/queenscb9/downloads/pdf/minutes/2020/february_11_2020_minutes.pdf

May 2020 Minutes

https://www1.nyc.gov/assets/queenscb9/downloads/pdf/minutes/2020/may_19_2020_minutes.pdf

James S. McClelland
District Manager
Community Board 9
Queens
718.286.2686



ELIZABETH BRATON
Chairperson

COMMUNITY BOARD 10

CITY OF NEW YORK ♦ BOROUGH OF QUEENS
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KARYN PETERSEN
District Manager

December 20, 2021

Ms. Marjorie Landa, Deputy Comptroller for Audit
City of New York Office of the Comptroller
1 Centre Street - Room 1100
New York, NY 10007

**Re: Audit Report on the Fourteen Queens Community Boards' Compliance with
New York City Charter and New York City Administrative Code Requirements
for Public Meetings and Hearings, and for Websites FK21-073A**

Dear Ms. Landa:

Thank you for providing the opportunity to review and provide comments in regard to the above-mentioned draft audit report. What follows constitutes the comment of Queens Community Board 10 in regard to the draft report and its eight (8) recommendations.

Draft Audit Recommendations
The Queens Community Boards should:

1. Conduct general board meetings and 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 Queens Borough President's Office, the Civic Engagement Commission, and the Mayor's Office Community Affairs Unit;

Community Board 10Q is compliant. General board meetings are conducted each month except during July and August. A public hearing is conducted each month as required.

2. Set aside time to hear from the public and ensure that people of the district are allowed to speak at all board meetings prior to taking actions in accordance with the New York City Charter Chapter 70, Section 2800(h); Community Board 10Q is compliant and will continue to remain compliant. Please note that during the Covid Pandemic we began the practice of keeping the record of our meetings open until the close of business on the day following the meeting so that members of the public would have an additional opportunity to communicate their views on any matter. We clearly indicate that on the agenda for meetings. It is a practice that we will continue even when in-person meetings resume.

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

The draft report indicates CB10Q is non-compliant. In regard to publication of adequate notice of public hearings, please note that all public hearings conducted during the audit period were held on the same

dates and locations as our general board meetings. The meeting agenda clearly notes the topic/purpose and the place on the agenda is noted on the agenda. Agendas for all meetings showing the scheduled public hearing information are sent to the City Record and to local news outlets. They also appear on the board's website in advance of the meeting and agendas are sent either via electronic or postal mail to a wide variety of organizations and interested parties. Agendas are posted on the public bulletin board located in the CB10Q office (a public location) and on the exterior of the office entry. There are 4 zip code areas within CB10Q. There is a public library located in each of them. Agendas are sent to the libraries with a request that they be posted.

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 includes the date, time, and place of the hearing, and a brief statement of the purpose of the hearing; and

Please see response to recommendation 3.

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. 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.

As we stated at the Exit Conference for this audit, our meetings and public hearings have always been *available*, in the sense that no one who chose to record and/or broadcast any meeting was prevented from doing so. During the time period of the audit when meetings were held remotely via the zoom platform no one who requested the link to view the video recording was denied access. As of September 2021, CB10Q has provided a live-stream broadcast of our meetings via a YouTube channel on the internet. The link to that broadcast is clearly and prominently displayed on our agendas. We will continue to livestream meetings whether they are conducted live or remotely. In regard to cablecasting we will seek to identify associated costs and seek additional funding for necessary staff and equipment.

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;

Community Board 10Q is compliant.

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

Community Board 10Q is compliant. The draft report states that we were not and cites that the minutes of our May 2020 meeting were not posted on our website when reviewed for this audit. Our usual and customary date for meetings over a period of many years has been the first Thursday of the month. Our April 2020 meeting was scheduled to take place on April 2, 2020. April 2, 2020 was before the Governor's Executive Order that suspended the provisions of the Open Meetings Law occurred. Had we met on April 2, 2020 it would have had to be a live, in-person meeting. We opted to postpone that meeting until later during the month in hopes that there would be action taken at the State level to permit meeting remotely. That did happen and CB10Q met remotely on April 22, 2020. However, that change disrupted our schedule for May 2020 when our meeting should have been on May 7, 2020 essentially causing us to conduct the May meeting at a later date in May. Our May meeting took place on May 19, 2020 and we remained "off schedule" until the summer break by also scheduling our June meeting late in the month. The June meeting was held on June 16, 2020 rather than on June 4, 2020. As of September 2021, CB10Q has reverted to our regular schedule of meetings on the first Thursday of the month.

As a result, our May 19, 2020 meeting minutes would not have been publicly posted until approved as correct by the board members at the June 16, 2020 meeting. Posting them on a website prior to their approval could result in readers possibly getting misinformation.

8. Contact DoITT and website platform vendors to ensure that their websites are fully accessible to persons with disabilities in accordance with the WCAG 2.0 Level AA standard.

At the Exit Conference we requested some detail as to what the errors cited were. Thank you for providing that information. CB10Q will contact DoITT which is the agency that maintains our website and will request the errors be corrected.

Thank you for your agency's provision to us on Dec. 17, 2021 of the Law Department's Guidance in response to the query it received from the Manhattan Community Boards in regard to the draft audit. It seems to indicate that perhaps some of the conclusions that led to the draft audit recommendations may need some revision especially as they relate to cablecasting and what constitutes adequate public notice of meetings and public hearings. That guidance would appear to indicate that some changes should be made in the draft's conclusions.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Braton".

Elizabeth Braton
Chairperson



Community Board 12

The City of New York

Borough of Queens

Jamaica, Hollis, St. Albans, South Ozone Park, and Springfield Gardens

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Yvonne Reddick
DISTRICT MANAGER

City of New York
Office of The Comptroller Scott Stringer
Ms. Maryanne Mullany
Assistant Director

Dear [REDACTED]

Regarding Community Board 12 Queens, we have public hearings when there is a need.

Website Accessibility and Contrast errors (2) Our website is controlled by DOITT.

Our monthly board meeting held each month excluding July and August.

Hearings Available for Broadcasting on the Radio or internet
Not mandated in the Charter
Hearings are available on Facetime.

Adequate public notice via Media and physical posting
DOITT and Newspapers

Adequate public notice of meetings and hearings

1. DOITT
2. Library
3. Newspapers

Meeting Minutes for the past 12 months
All of Community Board 12, Queens minutes were submitted.

Community Board 12, Queens's meeting location is accessible to persons with Disabilities

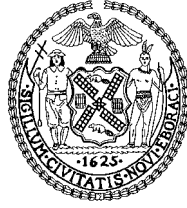
Community Board 12 will fully comply with the City Charter if there is a need.

Sincerely,

Rev. Carlene O. Thorbs [Signature]

Rev. Carlene C. Thorbs
Chairperson, CB12

cc: Marjorie Landau
[REDACTED]



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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 to 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 in 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: