



# City of New York

## OFFICE OF THE COMPTROLLER

Scott M. Stringer  
COMPTROLLER



## FINANCIAL AUDIT

**Marjorie Landa**

Deputy Comptroller for Audit

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

FK21-074A

December 22, 2021

<http://comptroller.nyc.gov>



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

December 22, 2021

To the Residents of the City of New York:

My office has audited the Staten Island Community Boards to determine whether they complied with New York City Charter and New York City Administrative Code requirements for public meetings and 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 Staten Island Community Boards generally complied with the City Charter and Administrative Code requirements to conduct monthly public meetings, to set aside time to hear from the public at meetings, to make meetings and hearings available for broadcasting and cablecasting, and to maintain a website which provides board contact information, and is translatable into the seven most commonly spoken languages in the City.

However, the audit found that none of the Staten Island Community Boards consistently conducted monthly public hearings, published all of the required meeting minutes on their websites, provided adequate public notice for meetings and hearings, and fully adopted the protocols required to make their websites accessible for persons with disabilities. Additionally, one board did not set aside time for the public to speak before it took actions during a meeting.

The audit recommends that the Staten Island Community Boards should: (1) conduct public hearings each month in accordance with the City Charter and, if necessary, seek guidance on how to comply with this requirement; (2) set aside time to hear from the public prior to taking actions at meetings and hearings; (3) ensure that public notice of all general board meetings is given to news media outlets and posted in public locations; (4) provide adequate public notice of upcoming meetings on their websites and includes required information; (5) post meeting minutes from meetings for the past 12 months on their websites; and (6) contact DoITT to ensure that their websites are fully accessible to persons with disabilities as per the WCAG 2.0 Level AA standard.

The results of the audit have been discussed with Staten Island Community Board officials and their comments have been considered in preparing this report. The Staten Island 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](mailto:audit@comptroller.nyc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Scott M. Stringer".

Scott M. Stringer

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# THE CITY OF NEW YORK OFFICE OF THE COMPTROLLER FINANCIAL AUDIT

## Audit Report on the Three Staten Island Community Boards' Compliance with New York City Charter and New York City Administrative Code Requirements for Public Meetings and Hearings, and for Websites

FK21-074A

### 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.

Staten Island has three Community Boards that collectively cover the entire borough.

### Audit Findings and Conclusions

The Staten Island Community Boards generally complied with the City Charter and New York City Administrative Code (NYC Administrative Code) requirements to conduct monthly public meetings, to set aside time to hear from the public at public meetings, to make meetings and hearings available for broadcasting and cablecasting, and to maintain a website which provides board contact information, and is translatable into the seven most commonly spoken languages in New York City.

However, our audit found that not all of the Staten Island Community Boards complied with other City Charter requirements relating to public meetings and hearings and maintaining websites. Specifically, we found that none of the Staten Island Community Boards consistently conducted monthly public hearings; and none published all of the required meeting minutes on their websites; one Staten Island Community Board did not set aside time for the public to speak before the board took actions such as votes during a meeting; and none of the boards provided the required adequate public notice for meetings and hearings by posting the written notice in public locations and on their websites.

Additionally, our audit found that not all of the Staten Island Community Boards fully complied with NYC Administrative Code requirements for maintaining websites. Specifically, none of the Staten Island Community Boards' websites were fully accessible for persons with disabilities.

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

## **Audit Recommendations**

Based on our findings, we made the following six recommendations to the Staten Island Community Boards. The Staten Island 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 Staten Island Borough President's Office, the Civic Engagement Commission, and the Mayor's Office Community Affairs Unit;
- Set aside time to hear from the public prior to taking actions at meetings and hearings;
- Ensure that public notice of all general board meetings is given to news media outlets and posted in public locations;
- 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 to ensure that their websites are fully accessible to persons with disabilities as per the WCAG 2.0 Level AA standard.

## **Agency Responses**

On December 2, 2021, we submitted a draft report to the Staten Island Community Boards with a request for written comments. We received written responses from Staten Island Community Boards #1 and #2. In those responses, Staten Island Community Board #1 stated that the board

“will follow all requirements,” and Staten Island Community Board #2 stated that the board “agrees with the audit report’s findings and will comply with” each of the report’s six recommendations. We did not receive written comments in response to the draft report from Staten Island Community Board #3.

# AUDIT REPORT

## Background

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

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

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

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

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

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

<b>Staten Island Community Board</b>	<b>Fiscal Year 2019</b>	<b>Fiscal Year 2020</b>	<b>Fiscal Year 2021</b>	<b>Percentage Change in Budget Allocation from FY19 to FY21</b>
CB1	\$ 349,359	\$ 354,416	\$ 309,821	-12.8%
CB2	\$ 333,366	\$ 337,886	\$ 291,854	-14.2%
CB3	\$ 399,956	\$ 406,141	\$ 359,783	-11.2%

**Table II**

Total Staffing Level for Each Staten  
Island Community Board (CB) as of  
September 30, 2021<sup>1</sup>

<b>Staten Island Community Board</b>	<b>District Managers</b>	<b>Assistant District Managers</b>	<b>Community Coordinators</b>	<b>Community Associates/ Assistants/ Aides</b>	<b>Total Board Staff</b>
CB1	1	0	1	1	3
CB2	1	0	0	1	2
CB3	1	0	2	0	3

Staten Island has three Community Boards that collectively cover the entire borough. Table III below lists the neighborhoods served by each of the Staten Island Community Boards, and the illustration that follows provides a map of the Staten Island community districts.

<sup>1</sup> 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  
Staten Island Community Board  
(CB)<sup>2</sup>

<b>Staten Island Community Board</b>	<b>Neighborhoods Served</b>
CB1	Arlington, Castleton Corners, Clifton, Elm Park, Fox Hills, Graniteville, Grymes Hill, Howland Hook, Livingston, Mariner's Harbor, New Brighton, Old Place, Park Hill, Port Ivory, Port Richmond, Randall Manor, Rosebank, Shore Acres, Silver Lake, St. George, Stapleton, Sunnyside, Tompkinsville, Ward Hill, West Brighton, West New Brighton, Westerleigh, Willowbrook
CB2	Arrochar, Bloomfield, Bulls Head, Chelsea, Concord, Dongan Hills, Egbertville, Emerson Hill, Grant City, Grasmere, Heartland Village, Lighthouse Hill, Manor Heights, Midland Beach, New Dorp, New Dorp Beach, New Springville, Old Town, South Beach, Todt Hill, Travis, Willowbrook
CB3	Annadale, Arden Heights, Bay Terrace, Butler Manor, Charleston, Eltingville, Fresh Kills, Great Kills, Greenridge, Huguenot, Oakwood, Oakwood Beach, Oakwood Heights, Pleasant Plains, Prince's Bay, Richmond Town, Richmond Valley, Rossville, Sandy Ground, Tottenville, Woodrow

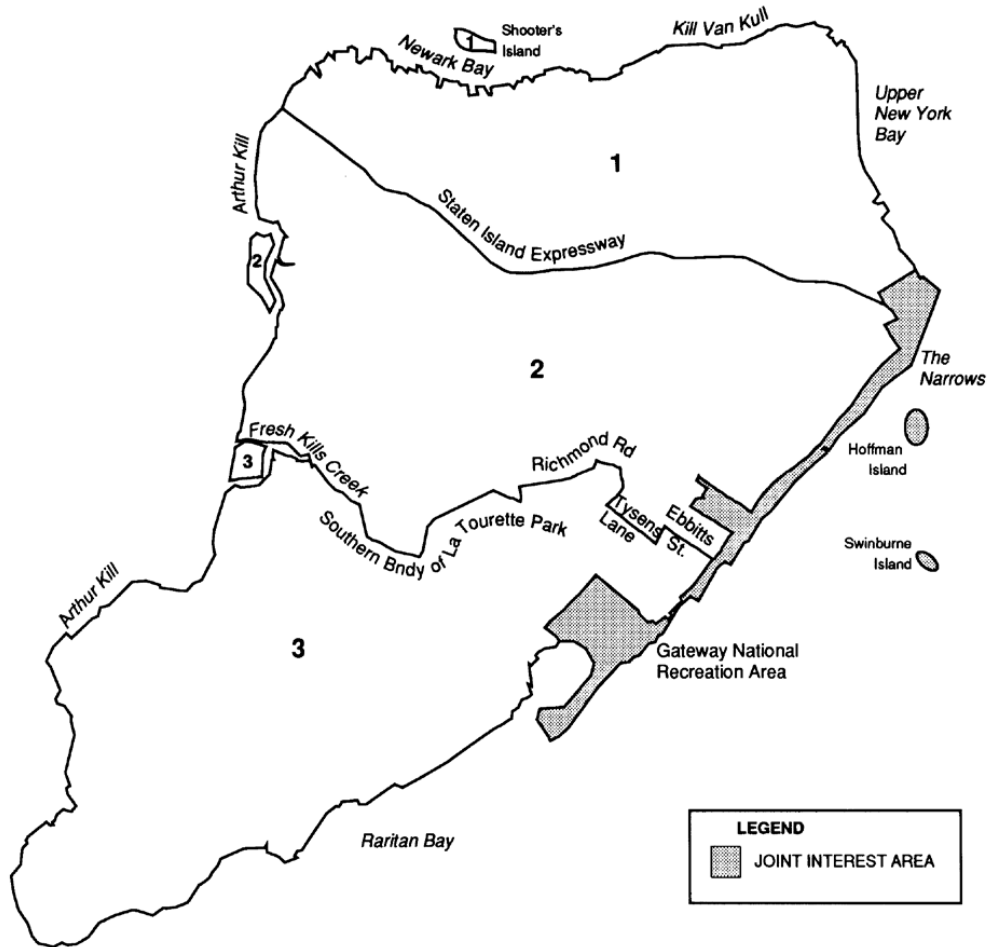
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<sup>2</sup> Source: The New York City Department of City Planning Community District Profiles. Some neighborhoods may be in multiple districts.

# Illustration

## Map of Staten Island Community Districts<sup>3</sup>

### COMMUNITY DISTRICT (CD) MAP: STATEN ISLAND



DCP/CIS 4/94

<sup>3</sup> Source: The New York City Community Boards Handbook 2015.

## Objectives

The objectives of this audit were to determine whether each of the three Staten Island 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 Staten Island Community Boards during and at the conclusion of this audit. A preliminary draft report was sent to the Staten Island Community Boards and was discussed at an exit conference on November 9, 2021. On December 2, 2021, we submitted a draft report to the Staten Island Community Boards with a request for written comments. We received written responses from Staten Island Community Boards #1 and #2.

In those responses, Staten Island Community Board #1 stated that the board "will follow all requirements," and Staten Island Community Board #2 stated that the board "agrees with the

audit report's findings and will comply with" each of the report's six recommendations. We did not receive written comments from Staten Island Community Board #3 in response to the draft report.

The full text of the responses received from Staten Island Community Boards #1 and #2 is included as an addendum to this report.

## FINDINGS AND RECOMMENDATIONS

The Staten Island Community Boards generally complied with the City Charter and NYC Administrative Code requirements to conduct monthly public meetings, to set aside time to hear from the public at public meetings, to make meetings and hearings available for broadcasting and cablecasting, and to maintain a website which provides board contact information, and is translatable into the seven most commonly spoken languages in New York City.

However, our audit found that not all of the Staten Island Community Boards complied with other City Charter requirements relating to public meetings and hearings and maintaining websites. Specifically, we found that none of the Staten Island Community Boards consistently conducted monthly public hearings; and none published all of the required meeting minutes on their websites; one Staten Island Community Board did not set aside time for the public to speak before the board took actions such as votes during a meeting; and none of the boards provided adequate public notice for meetings and hearings by posting the written notice in public locations and on their websites.

Additionally, our audit found that not all of the Staten Island Community Boards fully complied with NYC Administrative Code requirements relating to maintaining websites. Specifically, none of the Staten Island Community Boards fully adopted 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 Staten Island 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.

### Staten Island Community Boards Did Not Fully Comply with City Charter Requirements for Public Meetings and Public Hearings

#### Boards Did Not Consistently Conduct Monthly 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**. [Emphasis 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 public hearing minutes for the period September 2019 through November 2020, all three Staten Island Community Boards failed to conduct at least one public hearing each month as detailed in Table IV below. Furthermore, Staten Island Community Board #3 did not conduct *any* public hearings.

**Table IV**

Analysis of Monthly Public Hearings  
for the Period September 2019  
through November 2020<sup>4</sup>

Month	Public Hearing Held (Yes/No)		
	Staten Island Community Board #1	Staten Island Community Board #2	Staten Island Community Board #3
September 2019	Yes	Yes	No
October 2019	Yes	No	No
November 2019	Yes	No	No
December 2019	No	No	No
January 2020	Yes	No	No
February 2020	Yes	Yes	No
March 2020	N/A	N/A	N/A
April 2020	N/A	N/A	N/A
May 2020	No	No	No
June 2020	No	No	No
July 2020	N/A	N/A	N/A
August 2020	N/A	N/A	N/A
September 2020	No	Yes	No
October 2020	Yes	No	No
November 2020	No	Yes	No
<b>Total Hearings Conducted</b>	<b>6</b>	<b>4</b>	<b>0</b>
<b>Total Hearings Not Conducted</b>	<b>5</b>	<b>7</b>	<b>11</b>

In response to our request for all public hearing meeting minutes conducted during our audit scope, Staten Island Community Board #3 provided meeting minutes for each of its “Land Use Committee” meetings. Our review of the “Land Use Committee” meeting minutes found that there was no public session and, therefore, no members of the public spoke during any of the meetings. As previously mentioned, the New York State Department of State, Committee on Open Government, Open Meetings Law, Advisory Opinion #3834 states that “a meeting is different from a hearing. . . . 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.]

Some Community Board officials maintained that they did not conduct public meetings and hearings from March 2020 through April 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

<sup>4</sup> 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.



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 Staten Island Community Boards, Staten Island 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 Staten Island Community Board officials stated 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 Staten Island 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. Furthermore, Staten Island Community Board officials stated that the boards do not receive guidance and instructions from the agencies who are responsible for assisting them. Lastly, an official from Staten Island Community Board #1 stated that the board was “unaware that we needed to hold a Public Hearing if there were no Land Use Applications or Budget items, we will do so from now on.”

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

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

In regard to committee meetings, while some of the Staten Island Community Boards may have held committee meetings concerning various topics, the Staten Island Community Boards that this report cites as not having conducted a public hearing each month in which one was required 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 Staten Island Community Board officials’ assertion 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 Staten Island Community Boards should seek advice from the New York City Law Department as well as the other City agencies tasked with providing assistance to the Community Boards to ensure that boards comply with the Charter mandate to hold a public hearing each month.

Since the Staten Island Community Boards did not fully comply with the City Charter requirements to conduct public 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 Before the Board Took Action during a Meeting

Chapter 70, Section 2800(h) of the City Charter states that “[a]t each public meeting, the board shall set aside time to hear from the public.” Additionally, as previously mentioned, one of the key responsibilities of the Community Boards is to consider the needs of the district. For the September 2020 general board meetings, all of the Staten Island Community Boards set aside time to hear from the public. However, we found that Staten Island Community Board #2 set aside time to hear from the public only after the board had discussed and voted on matters affecting the district. In one instance, during the Staten Island Community Board #2 September 2020 general board meeting, prior to hearing from the public, the board members discussed and voted on a land use matter and a reconstruction and rehabilitation project in the district.

While we note that Staten Island Community Board #2 held a public hearing on the land use matter prior to the September 2020 general board meeting, only 14 board members were present at the public hearing as opposed to 27 board members who voted on the matter during the September 2020 general board meeting. Therefore, since Staten Island Community Board #2 did not set aside time during the meeting to hear from the public before the board voted, the people of the district may not have been afforded a meaningful opportunity to comment and express their views, that is, an opportunity to do so before the full board voted and took action on a matter affecting their district.

## Two 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, although all three Staten Island Community Boards generally conducted monthly general board meetings as required, two of the three did not provide adequate

public notice of those meetings as required. Specifically, Staten Island Community Boards #1 and #3 reported that they do not post notices in public locations.

After we presented our findings to the Staten Island Community Boards, some of the Staten Island Community Board officials stated that the boards send notice of their meetings to the Public Libraries for posting, and as far as they are aware, the libraries post the notices. However, the Staten Island Community Boards did not provide documentation to substantiate that claim. Furthermore, the requirement to post the public notice is the responsibility of the Community Boards themselves, and not the libraries. Specifically, 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.”

Additionally, an official from Staten Island Community Board #1 stated that the board was “unaware that notices had to be physically posted, we will have notices physically posted at Mt. Carmel, the Family Life Center, the St George Library and [t]he Gotham Health Center.”

Since two of the Staten Island Community Boards did not consistently provide adequate public notice of meetings and hearings by posting notices in public locations, the public may not have been aware of their public meetings and hearings and may not have been afforded the opportunity to observe and participate in Community Board discussions, deliberations, and actions, and to express their views concerning issues affecting their district.

## Recommendations

The Staten Island Community Boards should:

1. 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 Staten Island Borough President’s Office, the Civic Engagement Commission, and the Mayor’s Office Community Affairs Unit;
2. Set aside time to hear from the public prior to taking actions at meetings and hearings; and
3. Post public notice of all general board meetings and public hearings in public locations.

**Board #1 Response:** In response to the draft report, Staten Island Community Board #1 stated that the board “will follow all requirements.”

**Board #2 Response:** “Staten Island Community Board #2 agrees with the audit report’s findings and will comply with the following recommendations:

- Conduct Public Hearings each month
- Set aside time to hear from the public prior to taking actions at all meetings and hearings
- Ensure that public notice of all general meetings is given to news media outlets and posted in public locations.”

**Board #3 Response:** Staten Island Community Board #3 did not submit written comments in response to the draft report.

**Auditor Comment:** We reiterate that Staten Island Community Board #3 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 hearings; and post public notice of all general board meetings and public hearings in public locations.

## **Staten Island Community Boards Did Not Fully Comply with City Charter and NYC Administrative Code Website Requirements**

### **Two 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 Staten Island Community Boards maintained a website that provided board contact information, and was translatable into the seven most commonly spoken languages in New York City. However, two of the three Staten Island Community Boards did not provide adequate public notice of their September 2021 general board meeting on their websites. Specifically, we found that the website public notice posted by Staten Island Community Board #3 did not provide the internet address of the website streaming its September 2021 general board meeting, and Staten Island Community Board #2 did not post public notice of its September 2021 general board meeting on its website at all.

After we presented our findings to the Staten Island Community Boards, one Staten Island Community Board official stated that since the board was having virtual meetings, they asked the public to send an email to the board to obtain a link to the meetings and that the meetings themselves are not scheduled in the virtual meeting platform in advance because it can change. However, as previously stated, the New York State Open Meetings Law requires the public to be notified of the internet address of live streaming meetings and states that “[i]f 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.”

Since Staten Island Community Boards #2 and #3 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 may not have been afforded the opportunity to observe Community Board discussions, deliberations, and actions and to express their views concerning issues affecting their district.

## **Boards Did Not Post Meeting Minutes on Websites**

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, minutes from past meetings for the past twelve months, and contact information for the board.”

However, based on our review of meeting minutes published on websites for the period June 2019 through May 2020, all three boards did not post minutes for one or more meetings, as detailed in Table V below.

**Table V**

Analysis of Monthly Meeting Minutes  
Published for the Period June 2019  
through May 2020<sup>5</sup>

Month	Meeting Minutes Published on Staten Island Community Board Website? (Yes/No)		
	CB1	CB2	CB3
June 2019	Yes	Yes	Yes
July 2019	N/A	N/A	N/A
August 2019	N/A	N/A	N/A
September 2019	Yes	Yes	Yes
October 2019	Yes	No	Yes
November 2019	Yes	Yes	Yes
December 2019	Yes	Yes	No Meeting
January 2020	Yes	Yes	Yes
February 2020	Yes	No	Yes
March 2020	N/A	N/A	N/A
April 2020	N/A	N/A	N/A
May 2020	No	No	No
<b>Total Meetings Conducted</b>	<b>8</b>	<b>8</b>	<b>7</b>
<b>Total Minutes Posted</b>	<b>7</b>	<b>5</b>	<b>6</b>
<b>Total Minutes Not Posted</b>	<b>1</b>	<b>3</b>	<b>1</b>

After we presented our findings to the Staten Island Community Boards, some Staten Island Community Board officials stated that the boards that utilize a DoITT website send documents to DoITT to post on their websites each month, and DoITT is ultimately responsible for posting them. A Staten Island Community Board official stated that the board is “not in control of the website other than sending information to DOITT.” Furthermore, Staten Island Community Board #1 provided documentation to show that the May 2020 general board meeting minutes are currently posted on the board website and stated that “[i]n May 2020 DOITT had Brooklyn Community Board Minutes inserted, we had them correct it.” When the audit team reviewed the Staten Island Community Board #1 website in June 2020 no minutes were posted at all for May 2020.

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

<sup>5</sup>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 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.

## 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.”<sup>6</sup>

However, based on our review of Staten Island Community Board websites during October 2021, none of the Staten Island Community Boards maintained a website that was fully accessible for persons with disabilities. The three Staten Island Community Board websites had a combined 51 errors—39 website accessibility errors and 12 contrast errors—as detailed in Table VI below.

**Table VI**

Staten Island Community Boards’  
Website Accessibility and Contrast  
Errors

<b>Staten Island Community Board</b>	<b># of Website Accessibility Errors</b>	<b># of Contrast Errors</b>	<b># of Total Errors</b>
CB1	8	0	8
CB2	25	12	37
CB3	6	0	6
<b>Total</b>	<b>39</b>	<b>12</b>	<b>51</b>

The 51 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.

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<sup>6</sup> 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.



Staten Island Community Boards #1 and #3 utilize website platforms provided by DoITT which accounted for 14 of the 51 accessibility and contrast errors (27.5 percent). Staten Island Community Board #2 utilizes a platform provided by an outside vendor and accounted for 37 of the 51 errors (72.5 percent).

After we presented our findings to the Staten Island Community Boards, some Staten Island Community Board officials stated that website accessibility is out of their control because the Boards that 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 the websites are accessible. In addition, a Staten Island Community Board #2 official stated that the board is in the process of transitioning to a DoITT website, which will be launched shortly.

Consequently, by not fully adopting the protocols required to make their websites accessible for persons with disabilities, the three Staten Island 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 Staten Island Community Boards should:

4. 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;
5. Post meeting minutes for the past 12 months on their websites; and
6. Contact DoITT to ensure that their websites are fully accessible to persons with disabilities as per the WCAG 2.0 Level AA standard.

**Board #1 Response:** In response to the draft report, Staten Island Community Board #1 stated that the board “will follow all requirements.”

**Board #2 Response:** “Staten Island Community Board #2 agrees with the audit report’s findings and will comply with the following recommendations: . . .

- Provide adequate notice of upcoming meetings on their websites and include information such as date, time, and location of the meeting as well as the internet address of the website streaming.
- Post meeting minutes from meetings for the past 12 months on our website.
- DoITT was notified that our website must be fully accessible to persons with disabilities as per the WCAG 2.0 Level AA standard. DoITT said this is a work in progress.”

**Board #3 Response:** Staten Island Community Board #3 did not submit written comments in response to the draft report.

**Auditor Comment:** We reiterate that Staten Island Community Board #3 should provide adequate public notice of upcoming meetings on its website and include required information; post meeting minutes for the past 12 months on its website; and contact DoITT to ensure that its website is 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 Staten Island 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 Staten Island Community Board bylaws.

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

To determine whether the three Staten Island 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. 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 three Staten Island Community Boards made general board meetings and hearings available for broadcasting and cablecasting during Fiscal Year 2020, we requested

and obtained documentation to support that the board makes meetings and hearings available for broadcasting and cablecasting.

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

To determine whether the three Staten Island Community Boards maintained a website 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 if 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 three Staten Island Community Boards maintained websites which contained meeting minutes from past meetings for the past twelve months. In June 2020, we reviewed each of the three Staten Island Community Board websites to determine whether and to what extent the boards published meeting minutes from past meetings for the past twelve 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 three Staten Island 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 three Staten Island 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

Staten Island 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	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes	No
CB2	Yes	No	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No
CB3	No	No	Yes	Yes	No	Yes	Yes	No	No	Yes	Yes	No

**From:** [Crosby, Lisa \(CB\)](#)  
**To:** [REDACTED]  
**Cc:** [James Oddo](#); [REDACTED]; [eburke@statenisdusa.com](mailto:eburke@statenisdusa.com); [REDACTED]; [Steinberg, Daniel](#); [Hamed, Brady](#); [FArdolli@cityhall.nyc.gov](mailto:FArdolli@cityhall.nyc.gov); [Carroll, Joseph \(CB\)](#); [sicb1chair@gmail.com](mailto:sicb1chair@gmail.com); [Maffeo, Linda \(CB\)](#)  
**Subject:** Community Board #1 Staten Island  
**Date:** Monday, December 20, 2021 2:25:40 PM

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Community Board #1 will follow all requirements.

Lisa Crosby, Community Coordinator  
Community Board #1, SI  
[lcrosby@cb.nyc.gov](mailto:lcrosby@cb.nyc.gov)  
718-981-6900

**From:** [Derrico, Debra \(CB\)](#)  
**To:** [REDACTED]  
**Subject:** Re: Resources and Guidance  
**Date:** Wednesday, December 15, 2021 1:41:48 PM  
**Attachments:** [image001.png](#)

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Good afternoon, all

Staten Island Community Board 2 agrees with the audit report's findings and will comply with the following recommendations:

- Conduct Public Hearings each month
- Set aside time to hear from the public prior to taking actions at all meetings and hearings
- Ensure that public notice of all general meetings is given to news media outlets and posted in public locations
- Provide adequate notice of upcoming meetings on their websites and include information such as date, time, and location of the meeting as well as the internet address of the website streaming.
- Post meeting minutes from meetings for the past 12 months on our website
- DoITT was notified that our website must be fully accessible to persons with disabilities as per the WCAG 2.0 Level AA standard. DoITT said this is a work in progress.

Thank you in advance for giving us the opportunity to comment.

Happy Holidays!  
Debra

*Debra A. Derrico / District Manager*  
Community Board 2 Email:  
[dderrico@cb.nyc.gov](mailto:dderrico@cb.nyc.gov)

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