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To:	Governor Kathy Hochul
From:	B.J. Jones, President and CEO, Battery Park City Authority
Re:	Battery Park City Authority's Transparency Initiative Proposals
Date:	October 20, 2021

I am submitting this proposed plan for your approval pursuant to the memo from Karen Persichilli Keogh and Elizabeth Fine dated September 20, 2021. Based on the directive contained therein, our team reviewed Battery Park City Authority's policies and practices relating to transparency. We are pleased to report that we have strong policies and practices in place to ensure our organization's transparency, and we propose several initiatives to build on our efforts. Each of these areas is discussed below.

1. <u>Review of BPCA's Transparency Practices and Procedures</u>

As directed by Secretary Keogh and Counsel Fine in their memo, we conducted a review of BPCA's policies and practices related to transparency. Though we reviewed policies and practices organization-wide, in conducting this review, we gave particular focus to the following areas:

  A. Freedom of Information Law;
  B. Open Meetings Law;
  C. Personal Privacy Protection Law;
  D. Executive Order 8.95, Open Data NY;
  E. Project Sunlight;
  F. Public Authorities Law Section 2987, Reporting on Lobbying;
  G. Public Officers Law Section 73-a;
  H. Records Retention; and
  I. ABO Policy Guidance on Posting and Maintaining Authority Websites.

2. <u>Results of the Transparency Practices and Procedures Review</u>

We are delighted to report that Battery Park City Authority's policies and practices ensure robust transparency. There are several areas of note where BPCA may offer examples or support to partner authorities or agencies throughout the State.

  A. <u>Community Engagement</u>

  Community engagement has been a particular focus of much of our work at BPCA. Below is information on our current efforts in this regard, as well as a description of strategic initiatives underway pursuant to our 2019 Resilience Action Plan, the Authority's strategic plan that was developed in partnership with local community members, Manhattan Community Board 1, and partners in City and State government.

i. <u>Current Engagement Work</u>

As part of our community engagement, the Authority has hosted or participated in more than two dozen community meetings in Fiscal 2021 to date in addition to producing more than 400 public programs during that period. This includes meetings relating to the design of our South BPC Resiliency Project, the North/West BPC Resiliency Project efforts, monthly meetings of Manhattan Community Board 1 and its Battery Park City Committee (the latter of which the Authority also presents a written report that gets posted to the BPCA website), and free weekly and special event programming across Battery Park City's 36 acres of parks and public space. We post our meeting presentations online for access by those who could not attend. Additionally, one or more members of the senior staff regularly attends NYPD's First Precinct Monthly Community Council meeting, NYPD Community Policing "Build the Block" meetings, National Night Out, the New York-Presbyterian Lower Manhattan Community Advisory Board, and various other community engagements. Moreover, BPCA schedules a public comment session at each meeting of the BPCA Board.

ii. <u>Resilience Action Plan-related Community Engagement Initiatives Underway</u>

As mentioned above, in 2019, BPCA released its first-ever strategic plan, which identifies more than two dozen actions to ensure the Battery Park City fosters an inclusive community and a safe and climate-resilient place with vibrant public space, with an eye toward forward-thinking, best-in-class operations that are strengthened in collaboration with partners, residents, and other stakeholders. Among the plan's priorities are building greater awareness of BPCA's role within the Lower Manhattan public sector ecosystem and increasing transparency among stakeholders. Building on the considerable progress that has been made over the past several years, the Authority has prioritized community engagement particularly as it relates to soliciting feedback throughout each phase of our resiliency projects. In response to community feedback, the Authority launched a [ReadyBPC](#) initiative to achieve alignment on unified, community-wide planning and messaging for disaster mitigation and response. Moreover, BPCA has expanded its online presence with increased news posts and social media updates to better inform stakeholders of ongoing priorities. Finally, the Authority is in the process of developing a comprehensive calendar of events to serve as a resource for the public while also enhancing the array of its [publicly available materials that are translated into languages](#) other than English.

B. <u>BPCA's Robust Website and Social Media Presence</u>

BPCA has built and maintains an informative, easy-to-navigate website that is both a useful source of information for the public and compliant with our obligations. In addition to a [dedicated landing page](#) with direct access to BPCA's Strategic Plan, [Sustainability Plan](#), and a page devoted to Resiliency infrastructure initiatives, the Authority's website includes useful information for the public related to our public programing as well as related to our operations and governance. Further, BPCA publishes and maintains all information required to be posted by the Authorities Budget Office's Policy Guidance on Maintaining Public Authority Websites in a prompt and easy-to-find manner on our [public information page](#). The items we promptly post and maintain include agendas related to full Board and Board Committee meetings, minutes, and copies of items scheduled for discussion at those meetings. BPCA also posts governance-related reports beyond what is required such as lobbying contact reports pursuant to Public Authorities Law Section 2987. Our [annual report](#) provides all required information plus additional highlights on Authority operations and progress.

Moreover, BPCA both engages with the public as well as cross-posts items of interest through our social media outlets including [Twitter](), [Facebook](), [Instagram]() and our [YouTube]() channel.

C. <u>Reducing Costs Associated with Data and Increased Electronic Record Keeping</u>

The existence of BPCA's robust website has allowed us to reduce costs associated with the production of records. Specifically, with a fulsome library of documents, our team is often able to point requestors to items available on our website rather than produce them individually. Additionally, we are working increasingly with electronic original records that ultimately serve to decrease costs associated with the production and storage of paper records. In particular, we have worked hard to create a fully electronic procurement process complete with original softcopy approvals. This system has served us well during the pandemic and has helped to increase our contracting and record keeping efficiency.

3. <u>Recommendations for Increased Transparency</u>

Below are areas of proposed action to increase transparency at BPCA.

A. <u>Increased availability of information on BPCA's website</u>. As the Secretary and Counsel suggested, our team conducted a review of BPCA written materials that are not currently posted, and can be added to our website or social media. As an example of where we will expand postings, BPCA has created a special landing page on our website where we have posted three key items related to achieving our mission: our 2019 Resilience Action Plan, sustainability information, and resiliency designs. With language access in mind, BPCA will work to have important information translated into Spanish, Chinese, Haitian Creole, Italian, Russian, and Korean. Additionally, now that in-person public programing as returned to Battery Park City, we are going to continue translating our program and event guides for our visitors. It is anticipated that the translation of the Strategic Plan, sustainability and resiliency materials can be completed by January of 2022, using the Authority's existing language access services vendor.

B. <u>Posting of frequently requested items under the Freedom of Information Law</u>. BPCA strives for diligence and transparency when responding to Freedom of Information Law requests. The Secretary and Counsel's suggestion to post frequently requested FOIL records directly on our website will achieve the objective of increased transparency, while also increasing organizational efficiency. After our team's review to determine those records that are most frequently requested, we have identified documents that would achieve these objectives. In particular, Battery Park City's ground leases and amendments to those ground leases, related to the forty-one parcels of land contained within Battery Park City project area, are not currently on our website, but will be made available on our website in response to your call to action. In addition to being records that are requested under FOIL, they are also core to our mission related to the planning and maintenance of Battery Park City. It is anticipated that these leases can be made available on our website by January of 2022; doing so will not require any additional resources.

C. <u>Increasing participation of the public in memorial placement</u>. BPCA prides itself on its community engagement. However, the feedback we received from the community related to the proposed Essential Workers Monument earlier this year shows that they are engaged on issues related specifically to the siting of new memorials in Battery Park City. To address this, the Authority will consider developing a policy to ensure transparency in the process for consideration and placement of any newly-proposed memorials. This policy would enable us

to increase transparency and community engagement, while also ensure that we meet our legal obligations under the Open Meetings Law.

D. <u>Project Sunlight reporting</u>. Based on our review of policies and practices, we have found that BPCA has not been posting reports to the Project Sunlight website as intended. Our staff is reviewing and updating our policy and will conduct training as necessary. Going forward, BPCA will ensure prompt compliance with this obligation. This will be an ongoing transparency initiative and will begin immediately.

E. <u>Open Data NY</u>. BPCA currently maintains datasets on the Open Data NY website related to [revenues](#) the [distribution of funds](#) to New York City pursuant to its settlement agreement. Our team has reviewed additional information for posting on Open Data NY and we anticipate providing additional datasets related to our parks operations and programming, such as permits issued, plant species planted, and events held along with their attendance. These will then be updated regularly and require no additional resources.

4. <u>Measurement of Success and Long-term Monitoring</u>

In order to monitor and assess the implementation of our proposed initiatives, I will ask our Special Counsel for Ethics, Risk, and Compliance to see them to completion. I, along with my executive team, will personally supervise this work to ensure that it has the proper level of organizational support.

Additionally, in order to ensure that our initiatives are serving to increase transparency and provide the public with greater participation and access to information, we will monitor data from the following sources:

A. <u>Frequent touchpoints for public interaction</u>. These include discussions with our Vice President of Communications and Public Affairs, as well as reviews of engagement on our social media channels, our public comment period at board meetings, and responses at community meetings and public programs.
B. <u>Freedom of Information Law requests</u>. Based on the provision of additional information on the website related to frequently requested documents, it is anticipated that the volume of FOIL requests should decrease.

Lastly, I will ensure compliance on an ongoing basis with our transparency obligations by including them in our schedule of annual policy reviews that currently occur.