



MEMORANDUM

To: Karen Persichilli Keogh, Secretary to the Governor
Elizabeth Fine, Counsel to the Governor

From: Maureen A. Coleman, President and CEO

Date: October 20, 2021

Subject: New York State Environmental Facilities Corporation Transparency Plan

Description of the Corporation:

The New York State Environmental Facilities Corporation (the “Corporation” or “EFC”) was created in 1970 by the New York State Environmental Facilities Corporation Act, Title 12 of Article 5 of the Public Authorities Law (“EFC Act”). EFC is a public benefit corporation of the State governed by a board of directors, three of whom are ex officio: the Commissioner of the New York State Department of Environmental Conservation (“DEC”) (who is also designated as the chair of the Corporation), the Commissioner of the New York State Department of Health (“DOH”) and the Secretary of State. The four remaining directors are appointed by the Governor and confirmed by the State Senate.

The Corporation’s mission is to assist communities throughout New York State to undertake critical water quality infrastructure projects by providing access to low-cost capital, grants, and expert technical assistance. A primary goal is to ensure that these projects remain affordable while safeguarding essential water resources. The Corporation supports this mission by consistently using an innovative approach to developing and advancing new financing strategies to maximize the funding that can be made available to our clients, aiding compliance with Federal and State requirements, and promoting green infrastructure practices. As a public benefit corporation, EFC is a corporate entity separate and apart from the State without any power of taxation, and our bonds are not a debt of the State.

The EFC Act empowers the Corporation to administer and finance the state revolving funds established by the State pursuant to the federal Water Quality Act of 1987 and the federal Safe Drinking Water Act Amendments of 1996. The CWSRF and the DWSRF are EFC’s core funding programs. With its partner, DEC the Corporation is responsible for the operation and administration of the CWSRF, which allows EFC to provide interest-free or low-interest rate financing and grants to support municipal water quality improvement projects, including point source projects, nonpoint source projects and national estuary projects. EFC similarly operates and administers the DWSRF, with its partner DOH, to finance drinking water infrastructure projects. CWSRF funds are also used to provide grants through the Consolidated Funding Application for the Green Innovation Grant Program that provides grants for green stormwater infrastructure, and water and energy efficiency projects, and the Wastewater Infrastructure Planning Grant Program that provides grants to municipalities to assist them in initial planning for an eligible clean water project.

Since the inception of the CWSRF program in 1990, EFC has provided approximately \$18.2 billion in funding to support clean water infrastructure projects. EFC has provided more than \$5.3 billion to fund drinking water projects since the DWSRF began in 1996.

Most of EFC's funding is received through the annual federal capitalization grants from the US Environmental Protection Agency. EFC itself receives no state appropriations, but the federal dollars require a twenty percent state match which is appropriated annually to DEC for the CWSRF and is provided from DOH for the DWSRF. In addition, EFC administers several state assistance programs, including the Septic System Replacement Fund, the Emergency Assistance Program, the Water Infrastructure Improvement Grants program, and the Intermunicipal Water Infrastructure Grant program, funded through appropriations to DEC.

Overview of the Corporation's Existing Transparency:

The Corporation's public website provides access to a variety of information including, but not limited to, EFC programs, funding options and application materials; Board Documents and Meeting Notices; Authorities Budget Office reports; Corporate Procurement Procedures; Financial Disclosures; Environmental Reviews; and News Releases. Accessibility is a major priority for EFC. All documents currently on the website are being reviewed for accessibility and all documents submitted to be posted are required to be made accessible prior to posting. This year, EFC began a targeted update of its website to ensure increased transparency, access, and public interaction. This update, which is anticipated to be complete by November 1, is intended to make information easier to locate on EFC's website, as well as digitally equitable and accessible for persons that may use adaptive technologies. The Corporation is using software to scan the updated website for broken links, misspellings, and accessibility errors so the site may be improved on a continuous basis. All PDFs and other documents that are uploaded to the site are scanned for accessibility errors that are remedied before posting. The Corporation is reviewing all PDFs and other documents that exist on the website to ensure equitable access for all web users.

The Corporation has an active social media presence on Facebook, Instagram, and Twitter to increase transparency and community outreach. Posts highlight projects that the Corporation has funded, link to press releases about Board-approved projects, and share the Corporation's latest news about funding opportunities and public engagement initiatives. For example, a recent post advised of the Corporation's participation in the annual New York Conference of Mayors Public Works Training School, which provided participants opportunities to learn about EFC's programs at the event. Social media has also been used to highlight individual employees and their contributions to the Corporation's mission and goals. On International Women in Engineering Day, EFC posted about the Corporation's outstanding women engineers.

The Corporation routinely holds webinars to educate municipalities, engineering consultants and financial advisors about our programs, procedures, and processes to assist communities seeking funding opportunities for their projects. These webinars typically have over 100 participants.

The Corporation's Board of Directors, as well as its Finance Committee, Governance Committee, and Audit Committee provide ongoing stewardship and oversight of the Corporation. The Board of Directors meets monthly, while the Finance, Audit, and Governance Committees meet several times a year, as necessary. The Board has an annual meeting in June where it and the committees review, revise as necessary and adopt the key operational documents of the Corporation, such as By-laws, Board Committee Charters, the fundamental policies of the Corporation, and EFC's mission statement, and performance during the year. The Board approves the Corporation's budget and Financial Plan and the auditor's report on the Corporation's financial audit annually. EFC complies in all respects with the Open Meetings Law. EFC's website provides the public with a calendar of the year's Board and Committee meeting dates and times. Public notices for these meetings are sent to local press throughout the State and are also posted on the Corporation's website. Except in extenuating circumstances, at least one week in advance of a meeting, EFC posts the Board agenda and, if applicable, Committee meeting agendas on its public website with the materials that will be considered at the meeting. This allows the public an opportunity to review the materials prior to the Board meeting and understand the pending actions and determinations being considered by the Board of Directors. Meetings are live-streamed, available for later viewing on the Corporation's YouTube page, and open to the public to attend, except when in person attendance has been restricted by COVID-19. The Corporation's website has a direct link to the YouTube

page as well. Videos of Board and Committee meetings, minutes of past meetings, and adopted resolutions can be accessed through EFC’s website.

The Corporation has maintained its reputation as a transparent government entity to its bondholders, government officials, and the public through its operating policies, administrative procedures, and internal controls. Through both internal and external audit processes and its compliance reporting in connection with Continuing Disclosure requirements, the New York State Public Authorities Law, Sunlight policies, and State Finance Laws, the public has access to myriad data associated with the Corporation’s operations and staff performance. Much of the Corporation’s financial and operational data can be found on its website with additional information made accessible through the state’s Public Authorities Reporting Information System reporting, and Project Sunlight database. In addition, in conjunction with State Archives, the Corporation extensively reviewed and updated its records retention procedures and practices approximately 2 years ago to ensure records are appropriately maintained.

EFC maintains the highest bond ratings for its bonds. EFC posts its Annual Information Statement (“AIS”) each year on the Municipal Securities Rule Making Board’s EMMA website as part of its Continuing Disclosure obligation to bondholders. Our AIS is available on our website and contains certain operational, programmatic and financial information material to our bondholders and is designed to work in conjunction with EFC’s bond offering documents. Our AIS and bond offering documents have been developed to present information in “plain language”, making it easier for readers to understand and evaluate the information presented. In addition, our AIS may be updated throughout the year to incorporate new information, as appropriate.

The Corporation has stringent procurement guidelines that implement best practices. These guidelines are reviewed by the Board annually and were last updated in June of 2020, when EFC made major revisions to provide for better oversight of the procurement process, including clarification of the Board approval process, when procurements require Board approval, and more concise information with regard to MWBE and SDVOB participation in EFC procurements. To accompany the Procurement Guidelines, a Procurement Manual was developed for staff as guidance on each distinct procurement process. All Corporate procurement opportunities are available on EFC’s public website. For each procurement, EFC emails MWBE and SDVOB firms announcing the open procurement and offering the opportunity to be placed on a list to partner with prime contracting firms.

The Corporation receives a manageable number of Freedom of Information Law (“FOIL”) requests, which generally allows quick response, depending on the scope of the request and the number of potential records that need to be searched. EFC received twenty-one FOIL requests in 2018; eighteen in 2019; forty-five in 2020; and twenty to date in 2021. As of October 19, 2021, the Corporation has four open FOIL requests. To the extent possible, FOIL requests received by the Corporation are processed electronically and records are transmitted electronically. The Corporation does not charge for providing data or records in response to FOIL requests, unless providing physical copies of records would present an undue burden on the Corporation.

Additional Measures that May Increase Transparency:

	Transparency Measure	Next Steps	Notes	Estimated Date for Implementation
1.	Make the Corporation’s website Easier to navigate and more user friendly	In process		November 1, 2021.

2.	Post Frequently Asked Questions on website	Gather any new FAQs, develop answers, and update	There is currently a FAQ page on the Corporation's website.	Ongoing
3.	Ensure the smooth processing of FOIL requests and the accessibility of information and documents.	Chamber review slows process	Determinations are being made as to frequently requested documents that can be posted on the website proactively and as requests are processed.	Ongoing
4.	Americans with Disabilities Act Compliance and accessibility, including but not limited to, ensuring access to all website content to persons with disabilities to the fullest extent possible.	Review the current website and proposed redesign of the website to ensure the consideration and provision of accessibility when designing, posting and maintaining the Corporation's web content.		Ongoing
5.	Look for ways to improve language access	As the website is redesigned, language accessibility will be an ongoing inquiry and focus.		Ongoing
6.	Increase public access to Board and Committee meetings by posting notice of the meeting with video link to the live stream on our social media accounts			Immediately