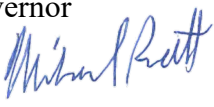




## **MEMORANDUM**

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

**FROM:** Michael J. Pratt, President & CEO 

**SUBJECT:** ORDA Transparency Plan

**DATE:** October 20, 2021

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### **I. Overview**

This memorandum constitutes the response of the New York State Olympic Regional Development Authority (“ORDA”) to the Government Transparency Initiative Memorandum (“Memorandum”) issued to all agencies on September 20, 2021. The following is a summary of ORDA’s current policies, practices, and guidelines as it relates to transparency, together with its plan to further this initiative.

ORDA was created by the legislature in 1981 to preserve and continue the legacy of the 1932 and 1980 Lake Placid Winter Olympics. To that end, ORDA operates, manages, and maintains Whiteface Mountain in Wilmington, Mt. Van Hoevenberg where, among other things, the Olympic Bobsled and Luge track are located, the Olympic Jumping Complex where the Olympic jumps are located, and the Olympic Center on Main Street in Lake Placid, which among other things includes the 1980 “Miracle on Ice” Rink. Gore Mountain in North Creek and Belleayre Mountain in Highmount in the Catskills were later added by legislation to the list of facilities that ORDA operates, manages, and maintains. All facilities are operated under agreements – again legislatively mandated – with the New York State Department of Environmental Conservation, the Town of North Elba, or the Town of North Creek - who actually own the land and facilities that ORDA is charged with operating.

ORDA owns one of only two Olympic Training Centers in the United States, and provides access to its facilities for the housing and training of Team USA athletes through an agreement with the United States Olympic and Paralympic Committee (“USOPC”).

### **II. Review of ORDA’s Current Public Engagement**

- **What public meetings and hearings does the agency hold?**
- **What opportunities exist for the public to participate in agency decision-making?**
- **What access does the public have to engaging with the agency leadership?**

It is within ORDA's legislative mission to be a part of the communities in which it operates. ORDA was created by Title 28 of the New York State Public Authorities Law to institute a comprehensive, coordinated program of activities at the facilities it manages and operates in order to ensure optimum year-round use and enjoyment by the public for the economic and social benefit of the regions where the facilities are located, to improve the physical fitness and athletic and recreational education of the people of the State of New York, and to develop and implement a comprehensive, coordinated, year-round program for a wide range of national and international athletic training and competitive opportunities, as well as other activities through which the public can effectively utilize its facilities. To that end, ORDA engages in and hosts a variety of year-round public events and recreational activities including: enacting youth sports programs in cooperation with local school districts; working with the New York Ski Education Foundation for the instruction of snow sports to youth athletes; hosting local events like the Loppett at Mt. Van Hoevenberg, and concerts such as the July 2021 Nathaniel Rateliff concert at Belleayre Mountain; and the use of ORDA facilities for local events like the craft fair series Mountain Master Craft at Gore Mountain.

ORDA's President & CEO, and other ORDA representatives, regularly meet with local and regional officials in the counties of Essex, Warren, Delaware, and Ulster, where ORDA venues are located, to communicate with the public about ORDA's operations, ongoing projects, and future plans.

ORDA also follows other processes to provide meaningful opportunities for public participation in its decision-making. The ORDA facilities that are located on State land – Whiteface, Gore, Belleayre, and part of Mt. Van Hoevenberg – are part of the Forest Preserve in the Adirondack and Catskill mountains. As a result, ORDA cannot and does not take any action to make significant changes to these facilities without following the Unit Management Planning ("UMP") process, which requires the presentation of ORDA's plans to the public and an opportunity for public comment on those plans. This includes the use of the Environmental Notice Bulletin and public presentations and review by the Adirondack Park Agency, with oversight and input from the Department of Environmental Conservation. In the most recent example of ORDA's history of working with State and local government entities, and the public on such plans, in its current process for amending the Whiteface UMP, ORDA is providing a 55-day public comment period for SEQRA review, rather than the required 30-day public comment period, to allow maximum time for review and comment on trail plans that is of particular interest to some stakeholder groups.

In probably its most significant planning process since assuming responsibility for the 1980 Olympic facilities, ORDA is working with the Village of Lake Placid and others to host the FISU 2023 Winter World University Games at its Lake Placid, Wilmington, and North Creek venues. Additional venues will be located at SUNY Potsdam and SUNY Canton, and in the Village of Saranac Lake. The Games are a massive undertaking, with twice the number of athletes and twice the number of events as were involved in the 1980 Winter Olympics. This accomplishment is the result of ORDA's cooperative participation in 2018, with New York State, the International University Sports Federation ("FISU"), the US-IUSF (the United States arm of FISU), the Regional Office of Sustainable Tourism, and other regional stakeholders, to put together a successful bid for the event.

The plans for the Games, which include upgrading all ORDA facilities to international competition standards, has involved regular community input not only to the use of those facilities for the Games, but for new events like the Olympic Trials that will take place in December at Mt. Van Hoevenberg and the Olympic Jumping Complex in Lake Placid. As a result of ORDA's

improvements to its facilities, several winter sport National Governing Bodies including USA Nordic and USA Luge have relocated or are in the process of relocating their headquarters from other states to Lake Placid. Additionally, new housing developments are under construction in preparation for the Games, which will become long-term residential housing after the Games have concluded. This housing infrastructure is desperately needed in the region. ORDA is continuing to explore opportunities for working with the regions its venues serve, with a focus on events and initiatives that will encourage economic development to benefit the residents of these regions.

Moreover, and in furtherance of ORDA's mission, ORDA takes pride in helping to educate the public and preserve the historic winter sports heritage of the region and its community by working with a local non-profit organization and its Board of Directors to make appropriate and suitable space available for the Lake Placid Olympic Museum at the Olympic Center in Lake Placid, which houses the second largest collection of winter Olympic artifacts in the world.

ORDA is also committed to environmental education at its venues. ORDA provides numerous opportunities to learn about the ecology of the Adirondack and Catskill Mountains through its award-winning environmental initiatives such as interpretive signage, gondola displays, and activities such as nature walks with experienced staff at ORDA's alpine venues, who engage the participating public with discussion about local vegetation, the history of the mountain, and interesting facts about the surrounding environment.

ORDA also routinely responds to emails and letters from members of the public who have questions or concerns about its operational decisions, including fee schedules for ski passes and public skating.

### **III. Proposed Plan to Expand Transparency and Expected Timelines**

**What plans does your agency have to improve transparency with respect to expanding information you make available to the public, filing timely reports with the legislature, complying with Project Sunlight, timely compliance with FOIL, compliance with Open Data NY, reducing costs for and easing access to agency data and records, expanding agency participation in public and community events and increasing access to public participation in meetings, hearings, and decision-making? This section can include information on the processes and policies your agency/authority has identified for improved transparency and public accountability.**

ORDA has reviewed its Open Data policy/procedure, websites, social media, FOIL policy/procedure and practices, Project Sunlight policy/procedure, procurement guidelines, and records retention/disposition practices, in an effort to identify any areas where current practices could be improved. In doing so, the following areas were identified where ORDA has provided enhanced public transparency and identified opportunities for increased transparency and access to information.

#### **Open Data NY**

In compliance with Executive Order 95, ORDA has developed a comprehensive Open Data Policy that it is in the process of incorporating into its core business and planning strategies (see [https://orda.org/wp-content/uploads/sites/7/2021/03/Open\\_Data\\_PolicyADA.pdf](https://orda.org/wp-content/uploads/sites/7/2021/03/Open_Data_PolicyADA.pdf)). ORDA's Open Data Policy provides a process for ORDA to make public such data as will increase its accountability and responsiveness, improve public knowledge of ORDA and its operations, further the mission of ORDA, create economic opportunity, and respond to a need or demand identified

after public consultation. Relevant data examples include: (1) ORDA Event Calendars, (2) yearly attendance numbers at ORDA venues, (3) ORDA ski resort trail maps, and (4) tabular bid information of contracts ORDA has awarded.

ORDA is currently working to upload additional publishable data to the Open Data website, and within the next twelve months will include such data as: annual revenues at ORDA venues; sale items with pricing history; water draws and utility costs for snowmaking; completed project budgets; and balance sheets, asset values, and other non-confidential financial information of relevance to its operations that is of interest to the public.

- **What information does the agency make available on its website and in social media?**
- **What does the agency do to solicit input from the public?**

### **ORDA Websites**

ORDA utilizes its corporate website to publish its public-facing policies and guidance documents at [orda.org/about-us/policies/](http://orda.org/about-us/policies/). These policies include: a newly enacted Background Check Policy that addresses not only State hiring concerns but the need for ORDA to provide enhanced security to youth athletes in accordance with the expectations of the USOPC and the U.S. Center for SafeSport; a recently updated Code of Ethics Policy; the NYS Equal Employment Opportunity Rights and Responsibilities Handbook; ORDA's Paid Family Leave Policy; and the ORDA Property Disposition Policy. The websites for the alpine venues operated by ORDA also include public health and safety information and policies, including the New York State Safety in Skiing Code, as well as ORDA processes and expectations for its employees in enforcing the Code, COVID safety guidelines and requirements, and various Mountain Policies. Each venue's website also includes information about projects and improvements (for example, see [goremountain.com/the-mountain/improvements/](http://goremountain.com/the-mountain/improvements/)), and ORDA uses its website to provide job information and the opportunity to apply for various employment opportunities at each of its venues. ORDA's website also includes contact information for Bid Opportunities, Media Inquiries, FOIL requests, and also allows for the submission of general email inquiries at [orda.org/contact-us/](http://orda.org/contact-us/).

In accordance with 2 NYCRR § 201.2, ORDA uses its website to make available its corporate reports, such as its annual economic impact reports and financial reports. In addition, and pursuant to 2 NYCRR § 203, in November 2021, ORDA will publish to its website its annual budget and financial plan covering the upcoming budget year and a minimum of three subsequent fiscal years.

ORDA will develop a plan within the next twelve months to begin publishing its annual report on procurement contracts. This report will include, among other things, a listing of all procurement contracts entered into, all contracts entered into with New York State business enterprises and their subject matter and value, the selection process used to select such contractors, all procurement contracts that are exempt from the publication requirements of Article 4-C of the Economic Development Law, the basis for such exemptions, the status of existing procurement contracts, and the recently revised procurement guidelines to be adopted by ORDA after presentation to the Board of Directors.

Consistent with the Open Meetings Law, ORDA uses its website to provide public notice of its Board and Committee Meetings within one week of the date of those meetings (see [orda.org/media/board-meetings/](http://orda.org/media/board-meetings/)), and at the time of publication ORDA contacts local news

media to publish Board meeting notices and the meeting agenda. Meeting materials are posted to the website within 72 hours of the date of Board and Committee meetings. Within two weeks of the conclusion of any public meeting, ORDA uses its website to publish the meeting minutes, the video recording of the meeting, and approved resolutions.

At every Board meeting, ORDA's President & CEO gives a comprehensive presentation of each meeting's subject matter, in addition to an update on ORDA's significant plans and activities, including information about revenue and other significant operational matters. ORDA's Board and Committee meetings, in addition to being open for in-person attendance, can be viewed in real time via live stream on YouTube.

At present, ORDA provides translation services from English to French for its Lake Placid Legacy Sites website. ORDA maintains five other websites: its corporate website, and separate websites for each of its venues at Gore Mountain, Whiteface Mountain, Belleayre Mountain, and Mt. Van Hoevenberg, that due to staffing and resource constraints do not yet have full language access availability. Accordingly, within the next six months ORDA will develop a Language Access Plan to further its compliance with Executive Order 26.1 and publish the plan on its website. ORDA will also begin working on providing translation services for vital documents, including essential public documents such as forms and instructions, for the ten most common non-English languages spoken in the State of New York, to be completed by August 1, 2022.

All of ORDA's websites, including ORDA's corporate site and all public documents uploaded to that site, are in compliance with New York State Enterprise IT Policy NYS-P08-005, Accessibility of Information Communication Technology ("Accessibility Policy").

### **ORDA Social Media**

In partial furtherance of its legislative mandate to ensure optimum year-round use and enjoyment of its facilities to the economic and social benefit of the regions, and to minimize the financial burden on State and local government by maximizing revenue opportunities, ORDA uses social media platforms such as Facebook, Instagram, YouTube, and Twitter to promote and inform the public of events and activities, annual ski pass sales, and athletic training and competition opportunities at its venues. ORDA regularly uses social media to communicate with its guests and visitors about daily updates as they occur at any ORDA facility, such as changes in operation times, trail openings and closures, snow reports, ticket prices, and schedules for events and attractions. ORDA's social media platforms also provide a means by which ORDA can strengthen guest relationships by addressing customer service requests and product support issues.

### **Freedom of Information Law ("FOIL")**

- ***What are the information requests most commonly sought from the agency?***
- ***What are the areas of greatest public interest in the agency's work?***

Consistent with Article 6 of Public Officers Law, ORDA ensures public access to its records by maintaining a list of available records, and a convenient method for the public to request such records, on the ORDA website at [orda.org/foil-requests/](http://orda.org/foil-requests/). ORDA's FOIL process ensures that responses are provided in the statutorily required time frames, and ORDA FOIL staff engage in outreach with requestors to try to assist with clarifying record requests whenever necessary. Over the last two years, ORDA has received an annual average of 58 FOIL requests.

The most common requests are for contract bid information, other information related to ORDA contract awards and progress, and reports of accidents/injuries at ORDA facilities. As of the date of this letter, ORDA is up to date with its responses and does not have any untimely outstanding FOIL requests.

ORDA is evaluating the use of such public data sites as Open Data NY to publish information for which ORDA has received regular FOIL requests and which ORDA knows is of general interest to the public. The publication of tabular bid information on ORDA-awarded contracts is one such example. ORDA has also published information about how people who wish to obtain access to their own ski incident records can obtain such information outside of FOIL. ORDA will continue to evaluate the opportunity to make public records more easily available through Open Data NY and its own website, and ORDA is currently researching available public request management software solutions, such as GovQA, to further enhance its efficiency in responding to FOIL requests.

Records are generally provided electronically at no charge. However, if a fee is required for the records, ORDA notifies the requestor prior to the records being released, and any charges are in compliance with what is authorized under Public Officers Law § 87 (1).

#### **Project Sunlight Database**

ORDA does not have an email address that is part of the NY.GOV system, and is currently working with the Office of General Services (“OGS”) to obtain the necessary NY.GOV identification to gain access to the Project Sunlight database. Once ORDA has access to the database, ORDA will work with OGS to provide a list of all individuals, firms, or other entities (other than state or local governmental agencies) who have appeared before ORDA in a representative capacity on behalf of a client or customer for purposes of: (1) procuring a state contract for real property, goods or services for a client; (2) representing a client or customer in a judicial or quasi-judicial proceeding; or (3) representing a client or customer in the adoption or repeal of a rule or regulation. In the interim, ORDA is developing a process of collecting and saving that information in paper form. In conjunction with that process, ORDA will appoint a staff member to oversee Project Sunlight responsibilities, conduct training for staff members on the substance and technical aspects of Project Sunlight, adopt an internal compliance plan for reporting and making that plan available for review, and adopt a discipline policy for noncompliance with Project Sunlight reporting duties.

#### **New York State Contract Reporter**

Pursuant to Economic Development Law § 142, and consistent with ORDA’s *Guidelines Regarding the Use, Awarding, Monitoring and Reporting of Procurement Contracts*, ORDA advertises applicable procurement opportunities valued at \$50,000 or more on the New York State Contract Reporter (“NYSCR”). ORDA also posts post-award information on the NYSCR that includes the recipient of contracts and the award amount, as well as vendors awarded contracts under exemptions to the competitive procurement process such as single and sole source awards, along with all required information for such awards including a description of the goods or services to be acquired with the exemption, the circumstance establishing the exemption justification, and any alternatives considered.

#### **ORDA Records Retention and Disposition**

Due to staffing and resource constraints, ORDA does not have a records retention schedule of its own. However, ORDA follows the *General Retention and Disposition Schedule*



for New York State Government Records as published by the New York State Archives at <http://www.archives.nysed.gov/records/retention-scheduling-and-appraisal>. ORDA is in the process of developing training for all staff on records retention and disposition, to be included in annual FOIL training, and will include training on the timely transfer of documents to the State Archives when applicable.

#### **IV. Measures of Success and Long-term Monitoring**

***In this section, you can explain how your agency/authority intends to monitor and assess the changes implemented, including any metrics you will use, to ensure that your initiatives are serving to increase transparency and expanding opportunities for public access to information and participation in government meetings and decision-making.***

ORDA has developed or updated important policies and guidelines, transformed its websites for enhanced access to information about ORDA, and taken other measures including hiring staff into new positions, all in an effort to increase ORDA's effectiveness as a public authority in meeting its legislative mandate to serve a vital role in the communities in which its venues are located. One of the most significant reflections of the changes that ORDA has undergone in recent years is reflected in its Board process and the work that has resulted. ORDA's Board of Directors previously met four times per year, in accordance with its by-laws. In the first 38 years of ORDA's operations, there were 331 resolutions adopted. In the last three years ORDA's Board of Directors has met almost monthly, passing 95 Resolutions to authorize facility upgrades, revise and update important policies, and to enable ORDA's other operating needs. This increase in Board meetings and the processes now in place for holding those meetings has provided significantly more opportunity for public awareness of and input to ORDA's decision-making process.

The EZ Apply process that ORDA has implemented on its website is being tracked at each venue to enable effective responses to interested applicants for employment. ORDA tracks the number of followers on its Facebook and other social media sites, as well as the number of visitors to its events, activities, and attractions. ORDA utilizes Google Analytics on its websites to track such metrics as: visitor demographics, location, retention, and device technology; visitor acquisition to the website; visitor behavior on the website and overall user experience; and the different types of actions that a visitor makes on the website (i.e., conversions). When the Language Access Plan is implemented, ORDA will track the number and types of documents that are translated into other languages. ORDA is exploring the opportunity to utilize other metrics to track the efficiency and effectiveness of its public communications.

ORDA will continue to assess its operations to ensure that its actions and initiatives are meeting public needs, and are in compliance with applicable laws, rules, and executive orders in a manner designed to increase transparency, expand opportunities for public access to information, and provide meaningful opportunities for public participation in ORDA's meetings and decision-making processes. In addition to the time commitments ORDA has made to specific transparency measures identified in this letter, ORDA will review the above-referenced transparency policies, practices, and guidelines on at least an annual basis and will continue to update them accordingly.