

# STATE OF NEW YORK

7081--A

2023-2024 Regular Sessions

## IN ASSEMBLY

May 10, 2023

Introduced by M. of A. MAGNARELLI -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to the board of directors of the Central New York Regional Market Authority

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 827 of the public authorities law, as amended by  
2 chapter 55 of the laws of 1992, is amended to read as follows:

3 § 827. Board of directors. The board of directors of the authority,  
4 hereinafter in this title referred to as "the board," shall consist of  
5 ~~[thirteen]~~ nineteen voting members, as follows: The commissioner of  
6 agriculture and markets or the commissioner's representative ~~[shall be a~~  
7 ~~member ex-officio]~~. The board of supervisors of each of the counties in

8 the district shall each name directors as follows: Onondaga, three;  
9 Oswego, two; Cayuga, two; Madison, two; Cortland, one; Oneida, one, and  
10 Wayne, one. Additionally, the following shall have appointments to the  
11 board: the mayor of the city of Syracuse, one; the common council of the  
12 city of Syracuse, one; the assembly member from the assembly district  
13 where the primary offices and facilities of the market reside, one; the  
14 state senator from the senate district where the primary offices and  
15 facilities of the market reside, one; the chief of police of the city of  
16 Syracuse, one; and the fire chief of the city of Syracuse, one. One

17 member from each of the above-named counties may be either a producer or  
18 non-producer of agricultural products; the other members named by the  
19 board of supervisors of the counties in the district entitled to addi-  
20 tional directors shall be persons engaged in farming and deriving a  
21 greater part of their income therefrom, and all such appointments made

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 after May first, nineteen hundred forty-four, shall be producers who  
2 actually sell all or part of their produce on the Central New York  
3 Regional Market.

4 Each member shall continue as a member during the pleasure of the body  
5 appointing [~~him or her~~] such member, and upon a vacancy occurring by the  
6 filing with the secretary of the authority of a duly certified copy of  
7 the resolution signifying that an appointment has been terminated, or  
8 upon resignation of a member, or a vacancy occurring in any other  
9 manner, it shall be filled in a manner corresponding to the original  
10 appointment. Each member shall, before entering upon the duties of  
11 office, take the constitutional oath of office and file the same in the  
12 office of the secretary of state. One more than one half of the duly  
13 qualified members shall constitute a quorum for the transaction of busi-  
14 ness and [~~the concurrence of one more than one half of the duly quali-~~  
15 ~~fied members at a meeting~~] shall be necessary to the validity of any  
16 resolution, order or determination. Any member may be removed by the  
17 governor for inefficiency, neglect of duty or misconduct in office,  
18 after a hearing upon charges and an opportunity to be heard in person or  
19 by counsel upon not less than ten days' notice. The members shall not  
20 receive a salary or other compensation, but shall be paid actual  
21 expenses incurred in attending meetings of the board and in performing  
22 committee work assigned to them by the board. Expenses for travel shall  
23 not exceed the per mile rate allowed state employees for use of personal  
24 cars. Expenses of a special or extraordinary nature may be allowed by  
25 resolution of the board.

26 § 2. Section 826 of the public authorities law, as amended by chapter  
27 420 of the laws of 1951, is amended to read as follows:

28 § 826. Central New York Regional Market Authority. 1. There is hereby  
29 created and established a district to be known as the "central New York  
30 regional market district," hereinafter in this title referred to as "the  
31 district," which shall embrace all the territory included within the  
32 following named counties: Cayuga, Cortland, Madison, Oneida, Onondaga,  
33 Oswego, that territory in Wayne county lying east of the new pre-emption  
34 line. For the accomplishment of the purposes hereinafter indicated rela-  
35 tive to that district there is hereby created and established a public  
36 benefit corporation, to be known as "Central New York Regional Market  
37 Authority," hereinafter in this title referred to as "the authority."  
38 Such authority shall have perpetual existence and the power to acquire  
39 by the exercise of the right of eminent domain or otherwise such real  
40 estate within the district and other property as may be necessary, to  
41 sue and be sued, to incur debts, liabilities and obligations, to issue  
42 bonds and other evidences of indebtedness, to have a seal, and to exer-  
43 cise all powers authorized by this title and reasonably necessary for  
44 accomplishing its purposes, subject to the provisions herein contained  
45 and the constitution and laws of the United States and of New York  
46 state. Such powers shall be exercised in the name of the "Central New  
47 York Regional Market Authority."

48 2. In fulfilling the authority's mission, the board shall work cooper-  
49 atively and in consultation with the department of agriculture and  
50 markets to ensure the proper development of agriculture and regional  
51 market facilities, in the central New York regional market district. The  
52 board and the department of agriculture and markets, hereinafter in this  
53 title referred to as "the department," shall jointly develop a plan for  
54 the future development and viability of agriculture and regional market  
55 facilities in the district. Such plan shall include both short-term and  
56 long-term goals and objectives as well as actual and projected revenues

1 and expenditures. Such plan shall annually allocate no less than seven-  
2 ty-five percent of the authority's available funds for the creation,  
3 development, and enhancement of agriculture and regional market facili-  
4 ties, in the district. For purposes of this subdivision, available funds  
5 shall mean the net amount available after contractually obligated  
6 expenditures are subtracted from, but not be limited to, cash, cash  
7 equivalents, certificates of deposit, and other receivables available.  
8 The board and department shall meet annually prior to the close of the  
9 authority's fiscal year to evaluate the effectiveness of the use of  
10 funds for that fiscal year, review the goals and objectives of the plan,  
11 and properly prepare for the allocation and use of such funds for the  
12 next fiscal year. The plan shall be updated annually to make appropriate  
13 modifications to such plan for the next fiscal year. Prior to any such  
14 funds being expended, both the board and the department must approve  
15 such plan, its goals and objectives as well as the projected revenues  
16 and proposed allocations.

17 3. The authority shall furnish an annual real estate report detailing  
18 all real estate holdings and detailed property information, including  
19 but not limited to the tenants, important lease terms, rents, durations  
20 of leases, as well as copies of each lease. Notwithstanding any other  
21 provision of law to the contrary, the authority shall furnish all  
22 required reports, audits, and reviews, including the annual real estate  
23 report, to all parties enumerated in paragraph (a) of subdivision one of  
24 section twenty-eight hundred of this chapter, to the department of agri-  
25 culture and markets, as well as publish such report on its website with-  
26 in ninety days after the end of its fiscal year.

27 § 3. The public authorities law is amended by adding two new sections  
28 842 and 843 to read as follows:

29 § 842. Moneys of the authority. The state comptroller or such comp-  
30 troller's legally authorized representatives are hereby authorized and  
31 empowered from time to time to examine the accounts and books of the  
32 authority, including its receipts, disbursements, contracts, sinking  
33 funds, reserve funds, investments and any other matters relating to its  
34 financial standing.

35 § 843. Code of ethics. 1. As used in this section, the term "authori-  
36 ty employee" shall mean any board member, member, officer or employee of  
37 the authority.

38 2. The authority shall make available their code of ethics on their  
39 website, which is applicable to all authority employees.

40 3. No authority employee shall have any interest, financial or other-  
41 wise, direct or indirect, or engage in any business or transaction or  
42 professional activity or incur any obligation of any nature, which is in  
43 substantial conflict with the proper discharge of such employee's duties  
44 in the public interest.

45 4. (a) No authority employee shall accept other employment which will  
46 impair such employee's independence of judgment in the exercise of any  
47 official duties.

48 (b) No authority employee shall accept employment or engage in any  
49 business or professional activity which will require the employee to  
50 disclose confidential information which such employee has gained by  
51 reason of official position or authority.

52 (c) No authority employee shall disclose confidential information  
53 acquired by the employee in the course of official duties nor use such  
54 information to further personal interests.

1 (d) No authority employee shall use or attempt to use an official  
2 position to secure unwarranted privileges or exemptions for such employ-  
3 ee or others.

4 (e) No authority employee shall engage in any transaction as represen-  
5 tative or agent of the authority with any business entity in which such  
6 employee has a direct or indirect financial interest that might reason-  
7 ably tend to conflict with the proper discharge of official duties.

8 (f) An authority employee shall not by conduct give reasonable basis  
9 for the impression that any person can improperly influence such employ-  
10 ee or unduly enjoy favor in the performance of official duties, or that  
11 such employee is affected by the kinship, rank, position or influence of  
12 any party or person.

13 (g) An authority employee shall abstain from making personal invest-  
14 ments in enterprises which such employee has reason to believe may be  
15 directly involved in decisions to be made by the employee or which will  
16 otherwise create substantial conflict between duty in the public inter-  
17 est and such employee's private interest.

18 (h) An authority employee shall endeavor to pursue a course of conduct  
19 which will not raise suspicion among the public that such employee is  
20 likely to be engaged in acts that are in violation of trust.

21 (i) No authority employee employed on a full-time basis nor any firm  
22 or association of which such an employee is a member nor authority, a  
23 substantial portion of the stock of which is owned or controlled direct-  
24 ly or indirectly by such employee, shall sell goods or services to any  
25 person, firm, authority or association which is licensed or whose rates  
26 are fixed by the authority in which such employee serves or is employed.

27 (j) If any authority employee shall have a financial interest, direct  
28 or indirect, having a value of ten thousand dollars or more in any  
29 activity which is subject to the jurisdiction of a regulatory agency, he  
30 or she shall file with the secretary of state a written statement that  
31 he or she has such a financial interest in such activity which statement  
32 shall be open to public inspection.

33 5. In addition to any penalty contained in any other provision of law  
34 any such authority employee who shall knowingly and intentionally  
35 violate any of the provisions of this section may be fined, suspended or  
36 removed from office or employment.

37 6. The provisions of section seventy-three of the public officers law  
38 shall be applicable to all board members and employees of the authority.

39 § 4. This act shall take effect immediately.