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I N   A S S E M B L Y

March 22, 2016

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Introduced by M. of A. SEAWRIGHT -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 899 of the laws of 1984, relating to the creation of a public benefit corporation to plan, develop, operate, maintain and manage Roosevelt Island, in relation to the office of chief executive officer of the Roosevelt Island operating corporation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 2 of section 3 of chapter 899 of the laws of  
2     1984, relating to the creation of a public benefit corporation to plan,  
3     develop, operate, maintain and manage Roosevelt Island, as amended by  
4     chapter 766 of the laws of 2005, is amended and a new subdivision 6 is  
5     added to read as follows:  
6     2. The board of directors of the corporation shall be composed of nine  
7     members. One member shall be the commissioner, who shall serve as the  
8     chair; one member shall be the director of the budget; and seven public  
9     members shall be appointed by the governor with the advice and consent  
10    of the senate. Of the seven public members, two members, one of whom  
11    shall be a resident of Roosevelt Island, shall be appointed upon the  
12    recommendation of the mayor of the city; and four additional members  
13    shall be residents of Roosevelt Island. Each member shall serve for a  
14    term of four years and until his or her successor shall have been  
15    appointed and shall have qualified, except that (a) two of the initial  
16    public members appointed by the governor, one of whom is a resident of  
17    Roosevelt Island, and the Roosevelt Island resident member appointed  
18    upon the recommendation of the mayor of the city shall serve for terms  
19    of two years each, and (b) the commissioner and the director of the  
20    budget shall serve so long as they continue to hold their respective  
21    offices. Any action taken by the directors of the corporation shall be  
22    taken by majority vote of the directors then in office. The elected  
23    public officials who represent Roosevelt Island shall be representatives  
24    to the board of directors of the corporation entitled to receive notice

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

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1 of and attend all meetings of such board but shall not be entitled to  
2 vote. Failure to give such notice shall not [effect] AFFECT the validi-  
3 ty of any action taken at a meeting of such board.

4 6. (A) THE BOARD OF DIRECTORS SHALL APPOINT A CHIEF EXECUTIVE OFFICER  
5 OF THE CORPORATION. SUBJECT TO SUBDIVISION 1 OF SECTION 3 OF THE PUBLIC  
6 OFFICERS LAW, ANY INDIVIDUAL, EXCEPT THE DIRECTOR OF THE BUDGET, SHALL  
7 BE ELIGIBLE TO APPLY FOR THE POSITION. THE BOARD SHALL DEVELOP ELIGI-  
8 BILITY CRITERIA FOR THE POSITION, AND AN OPEN AND TRANSPARENT PROCESS  
9 FOR SCREENING AND RECOMMENDING ELIGIBLE CANDIDATES FOR APPOINTMENT.

10 (B) THE CHIEF EXECUTIVE OFFICER SHALL BE A RESIDENT OF ROOSEVELT  
11 ISLAND OR SHALL BECOME A RESIDENT WITHIN ONE YEAR OF THE DATE OF  
12 APPOINTMENT. FAILURE TO COMPLY WITH THIS PARAGRAPH SHALL BE GROUNDS FOR  
13 AUTOMATIC REMOVAL OF THE SUCCESSFUL CANDIDATE FROM THE POSITION. THE  
14 PROVISIONS OF THIS PARAGRAPH RELATING TO RESIDENCY FOR THE CHIEF EXECU-  
15 TIVE OFFICER MAY BE WAIVED BY THE BOARD OF DIRECTORS PROVIDED THAT THE  
16 BOARD FINDS THAT THERE ARE EXTRAORDINARY CIRCUMSTANCES WARRANTING SUCH  
17 WAIVER. SUCH WAIVER SHALL BE IN WRITING AND BY A MAJORITY VOTE PRIOR TO  
18 THE APPOINTMENT OF THE CHIEF EXECUTIVE OFFICER.

19 (C) THE BOARD OF DIRECTORS ALSO:

20 (I) SHALL DETERMINE THE TERM OF OFFICE FOR THE POSITION; AND FIX THE  
21 COMPENSATION TO BE PAID, SUBJECT TO THE APPROVAL OF THE DIRECTOR OF  
22 BUDGET;

23 (II) SHALL PRESCRIBE THE DUTIES AND RESPONSIBILITIES FOR THE POSITION;  
24 AND

25 (III) MAY REMOVE THE CHIEF EXECUTIVE OFFICER FOR INEFFICIENCY, NEGLECT  
26 OF DUTY OR MISCONDUCT IN OFFICE, AFTER NOTICE AND AN OPPORTUNITY TO BE  
27 HEARD.

28 (D) THE CHIEF EXECUTIVE OFFICER SHALL BE CONSIDERED:

29 (I) AN "EMPLOYEE" FOR THE PURPOSES OF SECTION 18 OF THE PUBLIC OFFI-  
30 CERS LAW;

31 (II) A "STATE OFFICER" FOR THE PURPOSES OF SECTIONS 73 AND 73-A OF THE  
32 PUBLIC OFFICERS LAW; AND

33 (III) AN "OFFICER OR EMPLOYEE OF A STATE AGENCY" FOR THE PURPOSES OF  
34 SECTION 74 OF THE PUBLIC OFFICERS LAW.

35 S 2. This act shall take effect immediately, except that the term of  
36 the current chief executive officer shall end at such time as a succes-  
37 sor chief executive officer is appointed.