STATE OF NEW YORK

S. 6040 A. 7702

2017-2018 Regular Sessions

SENATE - ASSEMBLY

May 10, 2017

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Local Governments

AN ACT authorizing the towns of East Hampton, Riverhead, Shelter Island, Southampton and Southold in the county of Suffolk to establish a tourism marketing district to be known as the Peconic region tourism marketing district

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

Section 1. Notwithstanding any provision of law to the contrary, the towns of East Hampton, Riverhead, Shelter Island, Southampton and Southold in the county of Suffolk shall be authorized to establish a tourism marketing district pursuant to the provisions of this act. Said district shall be known as the "Peconic region tourism marketing district".

§ 2. Except as provided in this section and to the extent such provisions are not inconsistent with the purposes of this act, the provisions of article 19-A of the general municipal law relating to business improvement districts shall apply to such tourism marketing district.

§ 3. The provisions of section 980-c of the general municipal law shall not apply to the tourism marketing district established pursuant to this act. In lieu of section 980-c of the general municipal law, the local legislative powers related to such tourism marketing district shall be those granted by section four of this act.

§ 4. Upon establishment of a tourism marketing district pursuant to the provisions of this act, the participating towns, through their governing bodies, shall collectively have authority to exercise the

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

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following powers with respect to such district, subject to the provisions of this act and the cooperative agreement entered into pursuant to section six of this act: (a) to establish sales and marketing programs and activities designed to attract visitors to the district, including the creation and management of cooperative programs for properties within the district, (b) to establish communications and public relations activities and services to build greater awareness of district businesses and the district as a tourism destination, especially during off-peak and shoulder seasons, (c) to partner with local, state, and federal authorities to promote the expansion of public transportation to, from, and within the district, (d) to pursue grants that benefit properties within the district, (e) to allocate revenues within the district for use in specific tourism promotion efforts, (f) to pay administrative costs and operation of the district, and (g) to establish any other tourism marketing activities which benefit the purposes of the district.

§ 5. The provisions of section 980-n of the general municipal law shall not apply to the tourism marketing district established pursuant to this act. In lieu of section 980-n of the general municipal law, the cooperative operation and management of the tourism marketing district shall be governed by section six of this act.

§ 6. The district established pursuant to this act shall be deemed to be a municipal cooperative district and the provisions of this section shall apply to the cooperative operation and management of the tourism marketing district.

(a) The 5 towns may collectively enter into, amend, and terminate an agreement for the operation and management of the tourism marketing district, in accordance with this act and the district plan.

(b) Any such agreement shall be approved by each participating town by a majority vote of its governing board, and may contain provisions relating to the rights and responsibilities of the respective towns, a method for equitably allocating costs and other matters, consistent with this act, as may be reasonably necessary and proper to effectuate the cooperative operation and management of the district. Nothing in this subdivision shall be construed as authorizing the participating towns to issue joint indebtedness.

(c) The towns shall designate a single cooperative district management association which shall be known as the Peconic region tourism marketing district management association. Such cooperative district management association shall have the same powers and duties as provided in section 980-m of the general municipal law.

(d) The board of directors of such district management association shall be composed of representatives of owners and tenants within the district, provided, however, that not less than a majority of its members shall represent owners. Members of the board of directors shall have at least 5 years of experience in regional tourism marketing in the Peconic region. The number of such representatives of owners and tenants shall be in an equitable proportion as determined by agreement of the participating towns. The board shall include, in addition, a member from each participating town appointed by the governing body of each participating town.

(e) The district authorized by this act may be dissolved by local law adopted by each of the 5 towns, upon its own motion, or upon the written petition of: (1) the owners of at least fifty-one percent or more of the total assessed valuation of all benefited real property included in the boundaries of the district; and (2) at least fifty-one percent of the

owners of benefited real property within the area included in the district. The towns shall request and consider the recommendations of the district management association concerning any proposed dissolution; provided that if the association has not submitted recommendations to towns within 60 days after the request therefor, the towns may adopt any such proposed dissolution without considering such recommendations. In the event of dissolution, all assets of the district shall revert to the towns to be apportioned as agreed to by the towns and utilized solely for tourism promotion in each respective town. A certified copy of the order of dissolution shall be filed with the state comptroller at Albany, New York.

§ 7. Severability. If any provision of this act or the application thereof shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the provision thereof directly involved in the controversy in which the judgment shall have been rendered.

§ 8. This act shall take effect immediately.