STATE OF NEW YORK

3109

2017-2018 Regular Sessions

IN SENATE

January 19, 2017

Introduced by Sen. SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

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:

Section 1. Subdivision 2 of section 3 of 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, as amended by chapter 766 of the laws of 2005, is amended and a new subdivision 6 is added to read as follows:

2. The board of directors of the corporation shall be composed of nine members. One member shall be the commissioner, who shall serve as the chair; one member shall be the director of the budget; and seven public members shall be appointed by the governor with the advice and consent of the senate. Of the seven public members, two members, one of whom shall be a resident of Roosevelt Island, shall be appointed upon the recommendation of the mayor of the city; and four additional members shall be residents of Roosevelt Island. Each member shall serve for a term of four years and until his or her successor shall have been appointed and shall have qualified, except that (a) two of the initial public members appointed by the governor, one of whom is a resident of Roosevelt Island, and the Roosevelt Island resident member appointed upon the recommendation of the mayor of the city shall serve for terms of two years each, and (b) the commissioner and the director of the budget shall serve so long as they continue to hold their respective offices. Any action taken by the directors of the corporation shall be taken by majority vote of the directors then in office. The elected

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

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public officials who represent Roosevelt Island shall be representatives to the board of directors of the corporation entitled to receive notice of and attend all meetings of such board but shall not be entitled to vote. Failure to give such notice shall not [~~effect~~] affect the validity of any action taken at a meeting of such board.

6. (a) The board of directors shall appoint a chief executive officer of the corporation. Subject to subdivision 1 of section 3 of the public officers law, any individual, except the director of the budget, shall be eligible to apply for the position. The board shall develop eligibility criteria for the position, and an open and transparent process for screening and recommending eligible candidates for appointment.

(b) The chief executive officer shall be a resident of Roosevelt Island or shall become a resident within one year of the date of appointment. Failure to comply with this paragraph shall be grounds for automatic removal of the successful candidate from the position. The provisions of this paragraph relating to residency for the chief executive officer may be waived by the board of directors provided that the board finds that there are extraordinary circumstances warranting such waiver. Such waiver shall be in writing and by a majority vote prior to the appointment of the chief executive officer.

(c) The board of directors also:

(i) shall determine the term of office for the position; and fix the compensation to be paid, subject to the approval of the director of budget;

(ii) shall prescribe the duties and responsibilities for the position; and

(iii) may remove the chief executive officer for inefficiency, neglect of duty or misconduct in office, after notice and an opportunity to be heard.

(d) The chief executive officer shall be considered:

(i) an "employee" for the purposes of section 18 of the public officers law;

(ii) a "state officer" for the purposes of sections 73 and 73-a of the public officers law; and

(iii) an "officer or employee of a state agency" for the purposes of section 74 of the public officers law.

§ 2. This act shall take effect immediately, except that the term of the current chief executive officer shall end at such time as a successor chief executive officer is appointed.