

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.