

STATE OF NEW YORK

9569

IN SENATE

May 16, 2024

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

AN ACT to amend the public authorities law, in relation to creating the Albany county pine hills land authority

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

1 Section 1. Article 8 of the public authorities law is amended by
2 adding a new title 28-C to read as follows:

3 TITLE 28-C
4 ALBANY COUNTY PINE HILLS LAND AUTHORITY

5 Section 2676. Short title.
6 2676-a. Statement of legislative findings and purpose.
7 2676-b. Definitions.
8 2676-c. Albany county pine hills land authority.
9 2676-d. Advances on behalf of the authority; transfer of proper-
10 ty to the authority; acquisition of property by county
11 for the authority.
12 2676-e. Transfer of officers and employees.
13 2676-f. General powers of the authority.
14 2676-g. Special powers of the authority.
15 2676-h. Bonds of the authority.
16 2676-i. Remedies of bondholders.
17 2676-j. State and county not liable on authority bonds.
18 2676-k. Monies of the authority.
19 2676-l. Bonds legal investment for fiduciaries.
20 2676-m. Agreement with state.
21 2676-n. Agreement with county.
22 2676-o. Exemption from taxes, assessments and certain fees.
23 2676-p. Actions against authority.
24 2676-q. Contracts.
25 2676-r. Code of ethics.

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

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2676-s. Agreements relating to payment in lieu of taxes.

2676-t. Audit and annual report.

2676-u. Limited liability.

2676-v. Transfer of applications, proceedings, approvals, and permits.

2676-w. Separability.

2676-x. Effect of inconsistent provisions.

§ 2676. Short title. This title may be cited as the "Albany county pine hills land authority act".

§ 2676-a. Statement of legislative findings and purpose. The legislature hereby finds and declares as follows:

1. The economic well-being of the county and the general welfare of its people require adequate, and accessible performing arts centers, athletic fields, educational facilities, and residential facilities.

2. The preservation and safeguarding of facilities at risk of being underutilized and becoming blighted is a matter of vital importance not only to the residents of the capital district but to all the state's residents and is, therefore, a matter of state concern.

3. In order to ensure a healthy economy for such area and to promote the general welfare of its residents, it is necessary to maintain and improve the college of Saint Rose facilities and services in the county of Albany in such a manner as to stimulate and promote a healthy economy.

4. The general health and welfare of the state's residents requires coordinated operation of the college of Saint Rose facilities and services in the county of Albany by a public benefit authority.

5. The purposes of such authority shall be: (a) to promote accessible, efficient and economically productive use of the facilities; (b) to acquire, construct, reconstruct, continue, develop, equip, expand, improve, maintain, finance, and operate the college of Saint Rose facilities and services within the county of Albany; (c) to stimulate and promote economic development; and (d) to make contracts and leases and to execute all instruments necessary or convenient for its corporate purposes.

6. Such purposes are in all respects public purposes for the benefit of the people of the state of New York and for which public funds may be expended and both the county and the authority in carrying out their respective powers and duties under this title shall be deemed to be acting in a governmental capacity. The acquisition, construction, reconstruction, development, expansion, improvement, equipping, operation and maintenance of any project financed or undertaken by the authority or the county shall be deemed to be the performance of an essential governmental function by the authority or the county acting in its governmental capacity, whether such project shall be owned or operated by the authority or by any person or public corporation.

7. It is hereby found and declared that it has been and remains the policy of the state of New York to promote equal opportunity in employment for all persons, without discrimination on account of race, creed, color, national origin, sex, age, disability or marital status, to promote equality of economic opportunity for minority group members and women, and minority and women-owned business enterprises.

§ 2676-b. Definitions. As used or referred to in this title, unless a different meaning clearly appears from the context:

1. "Authority" shall mean the Albany county pine hills land authority created by this title.

1 2. "The college of Saint Rose facilities" shall mean any facility or
2 land including but not limited to any athletic facility, educational
3 facility, performing arts facility, or residential facility owned or
4 operated by the college of Saint Rose, and shall include such other
5 facilities, equipment, property, structures and appurtenances as may be
6 necessary or convenient in the operation, maintenance, development or
7 improvement of, leased by the authority to persons, engaged in the
8 production or development of the facilities or land.

9 3. "Bonds" shall mean the bonds, notes or other evidences of indebt-
10 edness issued by the authority pursuant to this title and the provisions
11 of this title relating to bonds and bond holders which shall apply with
12 equal force and effect to notes and note holders unless the context
13 otherwise clearly requires.

14 4. "Construction" shall mean the acquisition, erection, building,
15 alteration, repair, improvement, increase, enlargement, extension,
16 installation, reconstruction, renovation or rehabilitation of a project
17 including any appurtenances thereto which may be necessary or desirable
18 to promote the efficiency or effectiveness of such project; the
19 inspection and supervision thereof; and the engineering, consulting,
20 architectural, legal, fiscal and economic and environmental investi-
21 gations and studies, surveys, designs, plans, working drawings, specifi-
22 cations, procedures and other actions incidental thereto and claims
23 arising therefrom.

24 5. "Cost", as applied to any project, shall include the cost of the
25 acquisition of all property both real and personal, improved and unim-
26 proved, the cost of demolishing, removing or relocating any buildings or
27 structures on lands so acquired, including the cost of relocating
28 tenants or other occupants of the buildings or structures on such land
29 and the cost of acquiring any lands to which such buildings or struc-
30 tures may be moved or relocated, the cost of all systems, facilities,
31 machinery, apparatus and equipment, financing charges, interest prior
32 to, during and after construction to the extent not paid or provided for
33 from revenues or other sources, the cost of construction, the cost of
34 engineering and architectural surveys, plans and specifications, the
35 cost of consultants and legal services, the cost of lease, guarantees,
36 credit enhancement or bond insurance, other expenses necessary or inci-
37 idental to the construction of such project, and the financing of the
38 construction thereof, including the amount authorized in the resolution
39 of the authority providing for the issuance of bonds to be paid into any
40 reserve or other special fund from the proceeds of such bonds and the
41 financing of the placing of any project in operation, including
42 reimbursement, to any public corporation, the state, the federal govern-
43 ment, or any other person for expenditures, that would be costs of such
44 project had they been made directly by the authority.

45 6. "County" shall mean the county of Albany.

46 7. "Facility" shall include, but not be limited to, properties, struc-
47 tures, appurtenances, utilities, and such other works.

48 8. "Federal government" shall mean the United States of America, and
49 any department, board, commission, bureau, division, corporation, agen-
50 cy, or instrumentality thereof.

51 9. "Joint service arrangements" shall mean agreements between or among
52 the authority and any person, the state, the county, any other public
53 corporation including the advance Albany county alliance, the federal
54 government, any other state or agency or instrumentality thereof, relat-
55 ing to property, buildings, structures, facilities, services, rates,

1 classification, divisions, allowances or charges, or rules or regu-
2 lations pertaining thereto.

3 10. "Minority and women-owned business enterprise" or "minority or
4 women-owned business enterprise" shall mean a minority-owned business
5 enterprise and/or a women-owned business enterprise, as such terms are
6 defined by section three hundred ten of the executive law.

7 11. "Municipality" shall mean a county, city, town, village, or school
8 district.

9 12. "Person" shall mean any natural person, firm, partnership associ-
10 ation, joint venture, or corporation, exclusive of a public corporation.

11 13. "Personal property" shall mean chattels and other tangible things
12 of a moveable or removable nature.

13 14. "Property" shall mean both real and/or personal property.

14 15. "Project" shall mean any property or improvements located within
15 the state of New York and within or outside or partially outside the
16 county of Albany, including, but not limited to, machinery, equipment,
17 and other facilities deemed necessary or desirable in connection there-
18 with, or incidental thereto, whether or not in existence or under
19 construction upon the effective date of this title, which shall be
20 necessary or suitable for purposes and redevelopment of the college of
21 Saint Rose facilities provided, however, the authority shall not use its
22 funds in respect of any part of a project located wholly or partially
23 outside the county without the prior consent thereto by the governing
24 body of any other county in which a part or parts of such project is, or
25 is to be located.

26 16. "Public corporation" shall mean a county, city, town, village,
27 school district or special district, any public benefit corporation,
28 agency or instrumentality of the state or of any municipality, or two or
29 more of any of the foregoing acting jointly.

30 17. "Real property" shall mean lands, structures, franchises and
31 interests in land, airspace, waters, lands under water, riparian rights,
32 rights, any fixtures, equipment and articles of personal property
33 affixed to or used in connection therewith, and any and all things and
34 rights included within such term and includes not only fees simple abso-
35 lute but also any and all lesser interests including but not limited to
36 easements, rights of way, uses, leases, licenses and all other incorpo-
37 real hereditaments and every estate, interest or right, legal or equita-
38 ble, including terms for years and liens thereon by way of judgments,
39 mortgages, or otherwise.

40 18. "Revenues" shall mean all rates, fees, rents, revenues, charges,
41 and other income derived by the authority from the operation, leasing,
42 sale, or other disposition of the college of Saint Rose related facili-
43 ties.

44 19. "State" shall mean the state of New York.

45 § 2676-c. Albany county pine hills land authority. 1. There is hereby
46 created the Albany county pine hills land authority. The authority shall
47 be a body corporate and politic constituting a public benefit corpo-
48 ration. The authority shall consist of seven members who shall be resi-
49 dents of the county of Albany. Such members shall be appointed in the
50 following manner: four shall be appointed by the county executive, two
51 shall be appointed by the chairperson of the county legislature, and one
52 shall be appointed by the mayor of the city of Albany. Of the members of
53 the authority initially appointed by the county executive, two shall
54 serve for a term ending December thirty-first, two thousand twenty-eight
55 and two shall serve for a term ending December thirty-first, two thou-
56 sand twenty-nine. Of the members of the authority initially appointed by

1 the chairperson of the county legislature, one shall serve for a term
2 ending December thirty-first, two thousand twenty-eight and one shall
3 serve for a term ending December thirty-first, two thousand twenty-nine.
4 The member of the authority initially appointed by the mayor of the city
5 of Albany shall serve for a term ending December thirty-first, two thou-
6 sand twenty-eight. Thereafter, each member of the authority shall serve
7 a term of four years. The members of the authority, once appointed,
8 shall designate one of the seven members of the authority to serve as
9 the chairperson of the authority. The authority may provide for such
10 officers as may be determined necessary and the same need not be members
11 of the authority.

12 2. All members of the authority shall continue to hold office until
13 their successors are appointed and qualify. Except as otherwise provided
14 in subdivision three of this section, vacancies of members of the
15 authority shall be filled in the manner provided for original appoint-
16 ment. Such vacancies, occurring otherwise than by expiration of term of
17 office, shall be filled for the unexpired terms. Members of the authori-
18 ty may be removed from office for the same reasons and in the same
19 manner as may be provided by law for the removal of officers of the
20 county. The members of the authority shall receive no compensation for
21 their services but shall be reimbursed for all their actual and neces-
22 sary expenses incurred in connection with the carrying out of the
23 purposes of this title. The powers as set forth in the by-laws of the
24 authority shall be established and vested in and be exercised by the
25 members of the authority at an initial meeting duly called and held and
26 four members of the authority shall constitute a quorum. No action shall
27 be taken at the initial meeting of the authority or any adjournment
28 thereof except pursuant to the favorable vote of at least four members
29 of the authority. Any amendment to the powers of the authority as set
30 forth in the by-laws of the authority shall only become effective upon
31 the favorable vote of at least four members of the authority.

32 3. Notwithstanding any inconsistent provision of any general, special
33 or local law, ordinance, resolution or charter, no officer, member, or
34 employee of the state or of any public corporation shall forfeit such
35 officer's, member's, or employee's office or employment by reason of
36 such officers', member's, or employee's acceptance of appointment as a
37 member, officer, or employee of the authority, nor shall service as such
38 member, officer, or employee be deemed incompatible or in conflict with
39 such office, membership, or employment.

40 4. Notwithstanding any inconsistent provision of any general, special
41 or local law, ordinance, resolution, or charter, no officer, member,
42 elected official or employee of the county of Albany shall be eligible
43 to serve as a member of the authority.

44 5. All members of the authority shall be required to comply with the
45 Albany county code of ethics and to complete all disclosure forms
46 required by such code of ethics.

47 6. The authority and its corporate existence shall continue until
48 terminated by law, provided, however, that no such termination shall
49 take effect so long as the authority shall have bonds or other obli-
50 gations outstanding unless adequate provision has been made for the
51 payment or satisfaction thereof. Upon termination of the existence of
52 the authority, all of the rights and properties of the authority then
53 remaining shall pass to and vest in the county of Albany in such a
54 manner as prescribed by law.

55 § 2676-d. Advances on behalf of the authority; transfer of property to
56 the authority; acquisition of property by county for the authority. 1.

1 In addition to any powers granted to it by law, the county may, from
2 time to time, appropriate by resolution sums of money to defray project
3 costs or any other costs and expenses of the authority including operat-
4 ing expenses. Subject to the rights of bond holders, the county may
5 determine if the monies so appropriated shall be subject to repayment by
6 the authority to the county and, in such event, the manner and time or
7 times for such repayment.

8 2. Notwithstanding any inconsistent provision of any general, special
9 or local law, ordinance, resolution or charter, any public corporation
10 may, by a majority vote of its governing body and the approval of its
11 chief executive officer, give, grant, sell, convey, loan, license the
12 use of, or lease to the authority any property or facilities, including
13 the college of Saint Rose facilities, which are useful in connection
14 with the exercise by the authority of its powers under this title. Any
15 such gift, grant, sale, conveyance, loan, license, or lease shall be
16 upon such terms and conditions, and for such term or terms of years,
17 subject to the rights of the holders of any bonds, as the authority and
18 such public corporation may agree. Any such gift, grant, sale, convey-
19 ance, lease, loan, or license shall not be subject to referendum,
20 permissive or mandatory. In the event that any public corporation gives,
21 grants, sells, conveys, loans, licenses, or leases any of the college of
22 Saint Rose facilities to the authority, such public corporation may
23 contract with the authority to lease, borrow, license, operate, main-
24 tain, manage, and provide services for such facilities upon such terms
25 and conditions and for such term or terms of years, subject to the
26 rights of holders of bonds, as the authority and such public corporation
27 may agree. The authority, in furtherance of any purchase, conveyance, or
28 lease of any property or facility from any public corporation, may
29 assume the primary responsibility for the payment of the principal and
30 interest on any bonds or notes issued by such public corporation for
31 such property or facility. For purposes of section 136.00 of the local
32 finance law, any agreement by the authority to assume the primary
33 responsibility for the payment of the principal and interest on any
34 bonds or notes issued by any such public corporation shall, so long as
35 such agreement shall continue to be honored by the authority, cause such
36 bonds or notes to be deemed to have been refunded and any such public
37 corporation may deduct from its gross indebtedness any outstanding
38 indebtedness contracted for such property or facility to be acquired by
39 the authority.

40 3. The county may acquire by purchase, grant, lease, gift, or condem-
41 nation pursuant to the eminent domain procedure law, real property in
42 the name of the county for any corporate purpose of the authority.

43 4. Notwithstanding the provisions of any other law, general, special,
44 or local, real property acquired by the authority or the county from the
45 state may be used for any corporate purpose of the authority provided,
46 however, no non-hazardous solid waste, toxic, or hazardous waste site,
47 center, consolidated collection, or transfer area, shall be located or
48 maintained at the college of Saint Rose facilities or lands adjacent
49 thereto that are used in support of the college of Saint Rose operations
50 as contained in any layout plan in existence upon the effective date of
51 this title or in the future.

52 § 2676-e. Transfer of officers and employees. 1. In accordance with
53 the provisions of section seventy of the civil service law, any officer
54 or employee of the county, may, at the request of the authority and with
55 the consent of the county executive, be transferred to the authority and
56 shall be eligible for such transfer and appointment, without further

examination, to applicable offices, positions, and employment under the authority. Any such officers or employees so transferred to the authority pursuant to this section, who are members of or benefit under any pension or retirement fund or system under the laws of the state, shall continue to have all rights, privileges, obligations and status with respect to such fund or system as are prescribed by law, but during the period of their employment by the authority, all contributions to such funds or systems to be paid by the employer on account of such officers or employees shall be paid by the authority.

2. A transferred employee shall remain in the same collective bargaining unit as was the case prior to such employee's transfer; successor employees to the positions held by such transferred employees shall, consistent with the provisions of article fourteen of the civil service law, be included in the same unit as such employee's predecessors. Employees serving in positions in newly created titles shall be assigned to the same collective bargaining unit as such employees would have been assigned to such unit were such titles created prior to the establishment of the authority. Nothing contained in this title shall be construed (a) to diminish the rights of employees pursuant to a collective bargaining agreement; or (b) to affect existing law with respect to an application to the public employment relations board seeking a designation by the board that certain persons are managerial or confidential.

§ 2676-f. General powers of the authority. Except as otherwise limited by this title, the authority shall have power:

1. To sue and be sued;
2. To have a seal and alter the same at pleasure;
3. To borrow money and issue bonds for any of its corporate purposes or its projects and to provide for the rights of the holders thereof;
4. To make and alter by-laws for its organization and management, and, subject to agreements with its bondholders, to make and alter rules and regulations governing the exercise of its powers and the fulfillment of its purposes under this title;
5. (a) To acquire by purchase, grant, lease, gift, or otherwise and to hold and use property necessary, convenient, or desirable to carry out its corporate purposes, and to sell, convey, mortgage, lease, pledge, exchange, or otherwise dispose of any such property in such manner as the authority shall determine;
(b) To acquire property by condemnation pursuant to the provisions of the eminent domain procedure law with the approval of the county legislature;
6. To acquire, construct, reconstruct, lease, expand, improve, maintain, equip, furnish, or operate one or more projects and, if necessary, to pay or finance the cost thereof;
7. To accept gifts, grants, loans, or contributions of funds or property or financial or other aid in any form from, and enter into contracts or other transactions with, the federal government, the state, the county of Albany, or any public corporation or any other source, and to use any such gifts, grants, loans, or contributions for any of its corporate purposes;
8. To grant options to renew any lease with respect to any project or projects and to grant options to buy any project at such price as the authority may deem desirable;
9. To designate the depositories of its money;
10. To establish its fiscal year;
11. To enter into contracts, agreements and leases with the federal government, the state, the county, any person or other public corpo-

1 ration and to execute all instruments necessary or convenient to accom-
2 plishing its corporate purposes;

3 12. To appoint such officers, employees, and agents as the authority
4 may require for the performance of its duties, in coordination with the
5 advance Albany county alliance, and to fix and determine their quali-
6 fications, duties, and compensation subject to the provisions of the
7 civil service law and any applicable collective bargaining agreement,
8 and to retain or employ counsel, auditors, engineers, and private
9 consultants on a contract basis or otherwise for rendering professional,
10 management, or technical services and advice;

11 13. With the consent of the county executive, and in coordination with
12 the advance Albany county alliance, to use employees, agents, consult-
13 ants, and facilities of the county, paying the county its agreed propor-
14 tion of the compensation or costs;

15 14. To make and adopt plans, surveys, and studies necessary, conven-
16 ient, or desirable to the effectuation of the purposes and powers of the
17 authority and to prepare recommendations in regard thereto;

18 15. To enter upon such lands, waters, or premises as in the judgment
19 of the authority may be necessary, convenient, or desirable for the
20 purpose of making surveys, soundings, borings, and examinations to
21 accomplish any purpose authorized by this title, the authority being
22 liable for any actual damage done;

23 16. To covenant and consent that the interest on any of its bonds or
24 notes issued pursuant to this title shall be includable, under the
25 United States Internal Revenue Code of 1986, as amended or any subse-
26 quent corresponding internal revenue law of the United States, in gross
27 income of the holders of the bonds or notes to the same extent and in
28 the same manner that the interest on bills, bonds, notes or other obli-
29 gations of the United States is includable in the gross income of the
30 holders thereof under such code or any such subsequent law;

31 17. To insure or provide for the insurance of the authority's property
32 or operations as required by law and also against such other risks as
33 the authority may deem advisable; and

34 18. To do all things necessary, convenient or desirable to carry out
35 its purposes and for the exercise of the powers granted in this title.

36 § 2676-g. Special powers of the authority. In order to effectuate the
37 purpose of this title:

38 1. The authority may enter into any joint service arrangements as
39 hereinafter provided.

40 2. The authority may, on such terms and conditions as the authority
41 may determine necessary, convenient, or desirable establish, construct,
42 effectuate, operate, manage, maintain, renovate, improve, extend, or
43 repair any of the college of Saint Rose facilities, or may provide for
44 such establishment, construction, effectuation, operation, management,
45 maintenance, renovation, improvement, extension, or repair by contract,
46 lease, or other arrangement on such terms as the authority may deem
47 necessary, convenient, or desirable with the federal government, any
48 state or agency or instrumentality thereof, any person, or public corpo-
49 ration. In connection with the operation of any such facilities, the
50 authority may establish, construct, effectuate, operate, manage, main-
51 tain, renovate, improve, extend, or repair, or may provide by contract,
52 lease, or other arrangement for the establishment, construction, effec-
53 tuation, operation, management, maintenance, renovation, improvement,
54 extension, or repair of any related services and activities it deems
55 necessary, convenient, or desirable.

3. The authority may establish, fix, revise, levy, and collect or cause to be established, fixed, revised, levied, and collected and, in the case of a joint service arrangement, join with others in the establishment, fixing, revision, levy and collection of such rentals, rates, charges, concession fees and other fees as it may deem necessary, convenient, or desirable for the use and operation of any of the college of Saint Rose facilities, and related services operated or managed by the authority or under contract, lease, or other arrangement, including joint service arrangements, with the authority. Such rentals, rates, charges, concession fees, or other fees shall be at least sufficient at all times in the judgment of the authority to establish and maintain the operations of the authority on a self-sustaining basis. Such operations shall be deemed to be on a self-sustaining basis as required by this title, when the authority is able to pay or fund or cause to be paid or funded from revenues and any other funds actually available to the authority: (a) the principal of, premium, if any, and the interest on outstanding bonds of the authority as the same shall become due and payable and any capital or debt service reserve therefor and, to the extent required by an agreement between the county and the authority, the principal of and interest on any general obligations bonds, notes, or other evidence of indebtedness of the county issued for or allocable to any project of the authority as the same shall become due and payable and any reserves therefor; (b) the cost of administering, maintaining, repairing and operating any project of the authority; (c) the cost of constructing capital improvements thereto pursuant to any agreement between the county and the authority; (d) any liabilities incurred for or allocable to any project of the authority including any liabilities of the county assumed by the authority pursuant to any agreement between the county and the authority, as the same become due and payable; (e) any requirements of any agreement including those relating to the establishment of reserves for renewal and replacement and for uncollected rentals, rates, charges, and fees and covenants respecting rates and debt service and earnings coverage ratios; (f) all other reasonable and necessary expenses of the authority; and (g) the cost of such additional projects as may be at the time of the effective date of this title or thereafter authorized, by law and agreed to by the authority.

4. The authority may establish and, in the case of joint service arrangements, join with others in the establishment of such schedules and standards of operations and such other rules and regulations including but not limited to rules and regulations governing the conduct, safety, and security of the public as it may deem necessary, convenient, or desirable for the use, operation, and management of any project and related services operated or managed by the authority or under contract, lease or other arrangement, including joint service arrangements, with the authority. Such rules and regulations governing the conduct, safety, and security of the public shall be filed with the department of state in the manner provided by section one hundred two of the executive law. In the case of any conflict between any such rule or regulation of the authority governing the conduct, safety, and security of the public and any local law, ordinance, rule, or regulation, such rule or regulation of the authority shall prevail.

5. The authority may do all things it deems necessary, convenient, or desirable to manage, control, and direct the maintenance and operation of the college of Saint Rose facilities, equipment, or property operated by or under contract, lease, or other arrangement with the authority. Except as agreed to pursuant to any agreement between the authority and

1 any public corporation and except as hereinafter specially provided, no
2 municipality except for the county, shall have jurisdiction over any
3 facilities of the authority or any of its activities or operations. The
4 authority shall provide for such facilities police, fire, and health
5 protection services.

6 6. The authority may accept unconditional grants of money or property
7 from any municipality where the whole or any part of such municipality
8 is served or is to be served by a facility operated by the authority.
9 Such grants of money or property shall be for the purpose of assisting
10 the authority in meeting its capital or operating expenses. The accept-
11 ance of any such grant shall not operate to make the authority an agency
12 of the municipality making such grant.

13 7. In any instance where the county is required by law, with respect
14 to any of the college of Saint Rose facilities, to conduct a public
15 hearing in connection with a contract, lease, joint service arrangement,
16 charge, rental, or fee, the authority shall not enter into such
17 contract, lease, joint service arrangement, or establish, fix, revise,
18 or levy any charge, rental, concession fee, or other fee unless and
19 until the authority has held a public hearing at which interested
20 persons have had an opportunity to be heard concerning the same,
21 provided, however, if the county has conducted a public hearing in
22 connection with such contract, lease, joint service agreement, charge,
23 rental, or fee, the authority shall not be required to hold a public
24 hearing. Notice of such public hearing shall be published by the author-
25 ity at least ten days before the date set therefor, in at least one
26 newspaper of general circulation in the county. Such notice shall set
27 forth the date, time, and place of such hearing and shall include a
28 brief description of the matters to be considered at such meeting. At
29 all such hearings, any interested persons shall have an opportunity to
30 be heard concerning the matters under consideration. Any decision of the
31 authority on matters considered at such public hearing shall be in writ-
32 ing and be made available in the office of the authority for public
33 inspection during regular office hours.

34 § 2676-h. Bonds of the authority. 1. The authority shall have the
35 power and is hereby authorized from time to time to issue bonds, notes
36 or other obligations to pay the cost of any project or for any other
37 corporate purpose, including the establishment of reserves to secure the
38 bonds, the payment of principal of, premium, if any, and interest on the
39 bonds and the payment of incidental expenses in connection therewith.
40 The aggregate principal amount of such bonds, notes, or other obli-
41 gations outstanding shall not exceed eighty million dollars, excluding
42 bonds, notes, or other obligations issued to refund or otherwise repay
43 bonds, notes, or other obligations theretofore issued for such purposes;
44 provided, however, that upon any such refunding or repayment the total
45 aggregate principal amount of outstanding bonds, notes, or other obli-
46 gations may be greater than eighty million dollars only if the present
47 value of the aggregate debt service of the refunding or repayment bonds,
48 notes, or other obligations to be issued shall not exceed the present
49 value of the aggregate debt service of the bonds, notes, or other obli-
50 gations so to be refunded or repaid. For purposes hereof, the present
51 values of the aggregate debt service of the refunding or repayment
52 bonds, notes, or other obligations and of the aggregate debt service of
53 the bonds, notes, or other obligations so refunded or repaid, shall be
54 calculated by utilizing the effective interest rate of the refunding or
55 repayment bonds, notes, or other obligations, which shall be that rate
56 arrived at by doubling the semi-annual interest rate (compounded semi-

1 annually) necessary to discount the debt service payments on the refund-
2 ing or repayment bonds, notes, or other obligations from the payment
3 dates thereof to the date of issue of the refunding or repayment bonds,
4 notes, or other obligations and to the price bid including estimated
5 accrued interest or proceeds received by the authority including esti-
6 mated accrued interest from the sale thereof. The authority shall have
7 power and is hereby authorized to enter into such agreements and perform
8 such acts as may be required under any applicable federal legislation to
9 secure a federal guarantee of any bonds.

10 2. The authority shall have power from time to time to renew bonds or
11 to issue renewal bonds for such purpose, to issue bonds to pay bonds,
12 and, whenever it deems refunding expedient, to refund any bond by the
13 issuance of new bonds, whether the bonds to be refunded have or have not
14 matured, and may issue bonds partly to refund bonds then outstanding and
15 partly for any other corporate purpose of the authority. Bonds, other
16 than notes or other evidence of indebtedness, issued for refunding
17 purposes, which have a final maturity date longer than the maturity of
18 the bonds being refunded, shall be approved by a resolution of the coun-
19 ty legislature adopted by a majority vote and approved by the county
20 executive. Bonds issued for refunding purposes shall be sold and the
21 proceeds applied to the purchase, redemption, or payment of the bonds or
22 notes to be refunded.

23 3. Bonds issued by the authority may be general obligations of the
24 authority or may be special obligations payable solely out of particular
25 revenues or other moneys as may be designated in the proceedings of the
26 authority under which the bonds shall be authorized to be issued,
27 subject as to priority only to any agreements with the holders of
28 outstanding bonds pledging any particular property, revenues, or moneys.
29 The authority may also enter into loan agreements, lines of credit and
30 other security agreements and obtain for or on its behalf letters of
31 credit, insurance, guarantees, or other credit enhancements to the
32 extent now or hereafter available, in each case for securing its bonds
33 or to provide direct payment of any costs which the authority is author-
34 ized to pay.

35 4. (a) Bonds shall be authorized by resolution of the authority, be in
36 such denominations and bear such date or dates and mature at such time
37 or times, as such resolution may provide, provided that bonds and
38 renewals thereof shall mature within forty years from the date of
39 original issuance of any such bonds.

40 (b) Bonds shall be subject to such terms of redemption, bear interest
41 at such rate or rates, be payable at such times, be in such form, either
42 coupon or registered, carry such registration privileges, be executed in
43 such manner, be payable in such medium of payment at such place or plac-
44 es, and be subject to such terms and conditions as such resolution may
45 provide. Notwithstanding any other provision of law, the bonds of the
46 authority issued pursuant to this section shall be sold to the bidder
47 offering the lowest true interest cost, taking into consideration any
48 premium or discount not less than four nor more than fifteen days,
49 Sundays excepted, after a notice of such sale has been published at
50 least once in a newspaper of general circulation in the area served by
51 the authority, which shall state the terms of the sale. The terms of the
52 sale shall not change unless notice of such change is published in such
53 newspaper at least one day prior to the date of the sale as set forth in
54 the original notice of sale. Advertisements shall contain a provision to
55 the effect that the authority, in its discretion, may reject any or all
56 bids made in pursuance of such advertisements, and in the event of such

1 rejection, the authority is authorized to negotiate a private or public
2 sale or readvertise for bids in the form and manner above described as
3 many times as, in its judgment, may be necessary to effect satisfactory
4 sale.

5 (c) Notwithstanding paragraph (b) of this subdivision, whenever in the
6 judgment of the authority the interests of the authority will be served
7 thereby, the members of the authority, on the written recommendation of
8 the chairperson, may authorize the sale of such bonds at private or
9 public sale on a negotiated basis or on either a competitive or negoti-
10 ated basis. The authority shall set guidelines governing the terms and
11 conditions of any such private or public sales. The private or public
12 bond sale guidelines set by the authority shall include, but not be
13 limited to, a requirement that where the interests of the authority will
14 be served by a private or public sale of bonds, the authority shall
15 select underwriters for each private or public bond sale conducted
16 pursuant to a request for proposal process and consideration of
17 proposals from qualified underwriters taking into account, among other
18 things, qualifications of underwriters as to experience, their ability
19 to structure and sell authority bond issues, anticipated costs to the
20 authority, the prior experience of the authority with the firm, if any,
21 the capitalization of such firms, participation of qualified minority
22 and women-owned business enterprise firms in such private or public
23 sales of bonds of the authority and the experience and ability of firms
24 under consideration to work with minority and women-owned business
25 enterprises so as to promote and assist participation by such enter-
26 prises.

27 (d) The authority shall have the power from time to time to amend such
28 private bond sale guidelines in accordance with the provisions of this
29 subdivision.

30 (e) No private or public bond sale on a negotiated basis shall be
31 conducted by the authority without prior approval of the state comp-
32 troller and the county comptroller. The authority shall annually prepare
33 and approve a bond sale report which shall include the private or public
34 bond sale guidelines as specified in this subdivision, amendments to
35 such guidelines since the last private or public bond sale report, an
36 explanation of the bond sale guidelines and amendments, and the results
37 of any sale of bonds conducted during the fiscal year. Such bond sale
38 report may be a part of any other annual report that the authority is
39 required to make.

40 (f) The authority shall annually submit its bond sale report to the
41 state comptroller and the county comptroller and copies thereof to the
42 senate finance committee and the assembly ways and means committee.

43 (g) The authority shall make available to the public copies of its
44 bond sale report upon reasonable request thereof.

45 (h) Nothing contained in this subdivision shall be deemed to alter,
46 affect the validity of, modify the terms of or impair any contract or
47 agreement made or entered into in violation of, or without compliance
48 with, the provisions of this subdivision.

49 5. Any resolution or resolutions authorizing bonds or any issue of
50 bonds may contain provisions which may be a part of the contract with
51 the holders of the bonds thereby authorized as to:

52 (a) pledging all or part of the revenues, other monies or property of
53 the authority to secure the payment of the bonds, or any costs of issu-
54 ance thereof, including but not limited to any contracts, earnings, or
55 proceeds of any grant to the authority received from any private or

1 public source subject to such agreements with bond holders as may then
2 exist;

3 (b) the setting aside of reserves and the creation of sinking funds
4 and the regulation and disposition thereof;

5 (c) limitations on the purpose to which the proceeds from the sale of
6 bonds may be applied;

7 (d) the rates, rents, fees, and other charges to be fixed and
8 collected by the authority and the amount to be raised in each year
9 thereby and the use and disposition of revenues;

10 (e) limitations on the right of the authority to restrict and regulate
11 the use of the project or part thereof in connection with which bonds
12 are issued;

13 (f) limitations on the issuance of additional bonds, the terms upon
14 which additional bonds may be issued and secured and the refunding of
15 outstanding or other bonds;

16 (g) the procedure, if any, by which the terms of any contract with
17 bond holders shall be amended or abrogated, the amount of bonds the
18 holders of which shall consent thereto, and the manner in which such
19 consent shall be given;

20 (h) the creation of special funds into which any revenues or monies
21 shall be deposited;

22 (i) the terms and provisions of any trust, mortgage, deed or indenture
23 securing the bonds under which the bond shall be issued;

24 (j) vesting in a trustee or trustees such properties, rights, powers,
25 and duties in trust as the authority may determine which may include any
26 or all of the rights, powers, and duties of the trustees appointed by
27 the bond holders to appoint a trustee pursuant to this title or limiting
28 the rights, duties, and powers of such trustee;

29 (k) defining the acts or omissions to act which shall constitute a
30 default in the obligations and duties of the authority to the bond hold-
31 ers and providing for the rights and remedies of the bond holders in the
32 event of such default, including as a matter of right appointment of a
33 receiver, provided, however, that such rights and remedies shall not be
34 inconsistent with the general laws of the state and other provisions of
35 this title;

36 (l) limitations on the power of the authority to sell or otherwise
37 dispose of any project or any part thereof;

38 (m) limitations on the amount of revenues and other monies to be
39 expended for operating, administrative or other expenses of the authori-
40 ty;

41 (n) the payment of the proceeds of bonds, revenues, and other monies
42 to a trustee or other depository, and for the method of disbursement
43 thereof with such safeguards and restrictions as the authority may
44 determine; and

45 (o) any other matters of like or different character which in any way
46 affect the security or protection of the bonds or the rights and reme-
47 dies of bondholders.

48 6. In addition to the powers conferred upon the authority to secure
49 its bonds under this section, the authority shall have power in
50 connection with the issuance of bonds to adopt resolutions and enter
51 into such trust indentures, agreements or other instruments as the
52 authority may deem necessary, convenient or desirable concerning the use
53 or disposition of its revenues or other monies or property, including
54 the mortgaging of any property and the entrusting, pledging, or creation
55 of any other security interest in any such revenues, monies, or property
56 and the doing of any act, including refraining from doing any act which

1 the authority would have the right to do in the absence of such resolu-
2 tions, trust indentures, agreements, or other instruments. The authori-
3 ty shall have power to enter into amendments of any such resolutions,
4 trust indentures, agreements, or other instruments. The provisions of
5 any such resolutions, trust indentures, agreements, or other instruments
6 may be made a part of the contract with the holders of bonds of the
7 authority.

8 7. Notwithstanding any provision of the uniform commercial code to the
9 contrary, any pledge of or other security interest in revenues, monies,
10 accounts, contract rights, general intangibles, or other personal prop-
11 erty made or created by the authority shall be valid, binding, and
12 perfected from the time when such pledge is made or other security
13 interest attaches without any physical delivery of the collateral or
14 further act, and the lien of any such pledge or other security interest
15 shall be valid, binding, and perfected against all parties having claims
16 of any kind in tort, contract, or otherwise against the authority irre-
17 spective of whether or not such parties have notice thereof. No instru-
18 ment by which such a pledge or security interest is created, nor any
19 financing statement need be recorded or filed.

20 8. Regardless of whether the bonds are of such form and character as
21 to be negotiable instruments under the terms of the uniform commercial
22 code, the bonds are hereby made negotiable instruments within the mean-
23 ing of and for all the purposes of the uniform commercial code, subject
24 only to the provisions of the bonds for registration.

25 9. Neither the members of the authority nor any person executing its
26 bonds shall be liable personally on its bonds or be subject to any
27 personal liability or accountability by reason of the issuance thereof.

28 10. Subject to such agreements with bondholders as may then exist, the
29 authority shall have power out of any funds available therefor to
30 purchase bonds of the authority, which shall thereupon be cancelled, at
31 a price not exceeding (a) if the bonds are then redeemable, the redemp-
32 tion price then applicable plus accrued interest to the next interest
33 payment date; or (b) if the bonds are not then redeemable, the redemp-
34 tion price applicable on the first date after such purchase upon which
35 the bonds become subject to redemption plus accrued interest to the next
36 interest payment date. Bonds so purchased shall thereupon be cancelled.

37 § 2676-i. Remedies of bondholders. Subject to any resolution or resolu-
38 tions adopted pursuant to this title:

39 1. In the event that the authority shall default in the payment of
40 principal or of interest on any issue of bonds, after the same shall
41 become due, whether at maturity or upon call for redemption, and such
42 default shall continue for a period of thirty days, or in the event that
43 the authority shall fail or refuse to comply with the provisions of this
44 title or shall default in any agreement made with the holders of any
45 issue of bonds, the holders of twenty-five per centum in aggregate prin-
46 cipal amount of the bonds of such issue then outstanding, by instrument
47 or instruments filed in the office of the clerk of the county in which
48 the principal office of the authority is located and proved or acknowl-
49 edged in the same manner as a deed to be recorded, may appoint a trustee
50 to represent the holders of such bonds for the purpose provided under
51 this section.

52 2. Such trustee may, and upon written request of the holders of twen-
53 ty-five per centum in principal amount of such bonds outstanding shall,
54 in such trustee's own name:

55 (a) by action or proceeding in accordance with the civil practice law
56 and rules, enforce all rights of the bondholders, including the right to

1 require the authority to collect rents, rates, fees, and charges
2 adequate to carry out any agreement as to, or pledge of, such rents,
3 rates, fees, and charges and to require the authority to carry out any
4 other agreements with the holders of such bonds to perform its duties
5 under this title;

6 (b) bring an action or proceeding upon such bonds;

7 (c) by action or proceeding, require the authority to account as if it
8 were the trustee of an express trust for the holders of such bonds;

9 (d) by action or proceeding, enjoin any acts or things which may be
10 unlawful or in violation of the rights of the holders of such bonds; and

11 (e) declare all such bonds due and payable, and if all defaults shall
12 be made good, then with the consent of the holders of the twenty-five
13 per centum of the principal amount of such bonds then outstanding, to
14 annul such declaration and its consequences.

15 3. Such trustee shall in addition to the provisions of subdivisions
16 one and two of this section, have and possess all of the powers neces-
17 sary or appropriate for the exercise of any functions specifically set
18 forth under this section or incident to the general representation of
19 bond holders in the enforcement and protection of their rights.

20 4. The supreme court shall have jurisdiction of any action or proceed-
21 ing by the trustee on behalf of such bond holders. The venue of any such
22 action or proceeding shall be laid in the county.

23 5. Before declaring the principal of bonds due and payable the trustee
24 shall first give thirty days notice in writing to the authority.

25 6. (a) Any such trustee, whether or not the issue of bonds represented
26 by such trustee has been declared due and payable, shall be entitled as
27 of right to the appointment of any receiver of any part or parts of the
28 project, the revenues of which are pledged for the security of bonds of
29 such issue, and such receiver may enter and take possession of such part
30 or parts of the project and, subject to any pledge or agreement with the
31 holders of such bonds, shall take possession of all monies and other
32 property derived from such part or parts of the project and proceed with
33 any construction thereon or the acquisition of any property, real or
34 personal, in connection therewith that the authority is under obligation
35 to do, and operate, maintain, and reconstruct such part or parts of the
36 project and collect and receive all revenues thereafter arising there
37 from subject to any pledge or agreement with bond holders relating ther-
38 eto and perform the public duties and carry out the agreements and obli-
39 gations of the authority under the direction of the court.

40 (b) In any suit, action or proceeding by the trustee, the fees, coun-
41 cil fees, and expenses of the trustee and of the receiver, if any, shall
42 constitute taxable disbursements and all costs and disbursements allowed
43 by the court shall be a first charge on any revenues derived from the
44 project.

45 § 2676-j. State and county not liable on authority bonds. Neither the
46 state nor the county shall be liable on the bonds of the authority and
47 such bonds shall not be a debt of the state or the county, and such
48 bonds shall contain on the face thereof a statement to such effect.

49 § 2676-k. Monies of the authority. All monies of the authority from
50 whatever source derived shall be paid to the treasurer of the authority
51 and shall be deposited forthwith in a bank or banks designated by the
52 authority. The monies in such accounts shall be paid out on check of the
53 treasurer upon requisition by such person or persons as the authority
54 may authorize to make such requisitions. All deposits of such monies
55 shall be secured by obligations of the United States or of the state or
56 of any municipality of a market value equal at all times to the amount

1 on deposit, and all banks and trust companies shall be authorized to
2 give such security for such deposits. To the extent practicable,
3 consistent with the cash requirements of the authority, all such monies
4 shall be deposited in interest bearing accounts. The authority shall
5 have power, notwithstanding the provisions of this section, to contract
6 with the holders of any bonds as to the custody, collection, security,
7 investment and payment of any monies of the authority or any monies held
8 in trust or otherwise for the payment of bonds or any way to secure
9 bonds, and carry out any such contract notwithstanding that such
10 contract may be inconsistent with the provisions of this section. Monies
11 held in trust or otherwise for the payment of bonds or in any way to
12 secure bonds and deposits of such monies may be secured in the same
13 manner as monies of the authority and all banks and trust companies are
14 authorized to give such security for such deposits. Any monies of the
15 authority not required for immediate use or disbursement may, at the
16 discretion of the authority, be invested in those obligations specified
17 pursuant to the provision of section ninety-eight-a of the state finance
18 law. Subject to the provisions of any contract with bond holders and
19 with the approval of the state comptroller, the authority shall
20 prescribe a system of accounts.

21 § 2676-l. Bonds legal investment for fiduciaries. The bonds of the
22 authority are hereby made securities in which all public officers and
23 bodies of the state and all municipalities, all insurance companies and
24 associations and other persons carrying on an insurance business, all
25 banks, bankers, trust companies, savings banks and savings associations,
26 including savings and loan associations, building and loan associations,
27 investment companies and other persons carrying on a banking business,
28 and administrators, guardians, executors, trustees and other fiduciar-
29 ies, and all other persons whatsoever, who are upon the effective date
30 of this title, or thereafter, authorized to invest in bonds or other
31 obligations of the state may properly and legally invest funds including
32 capital in their control or belonging to them. Notwithstanding other
33 provisions of law, the bonds are also hereby made securities which may
34 be deposited with and may be received by all public officers and bodies
35 of the state and all municipalities for any purposes for which the
36 deposit of bonds or other obligations of this state is upon the effec-
37 tive date of this title, or thereafter authorized.

38 § 2676-m. Agreement with state. The state does hereby pledge to and
39 agree with the holders of any bonds issued by the authority pursuant to
40 this title and with those persons or public corporations who may enter
41 into contracts with the authority pursuant to the provisions of this
42 title that the state will not alter, limit or impair the rights hereby
43 vested in the authority to purchase, construct, own and operate, main-
44 tain, repair, improve, reconstruct, renovate, rehabilitate, enlarge,
45 increase and extend, or dispose of any project, or any part or parts
46 thereof for which bonds of the authority shall have been issued, to
47 establish and collect rates, rents, fees, and other charges referred to
48 in this title, to fulfill the terms of any contracts or agreements made
49 with or for the benefit of the holders of bonds or with any person or
50 public corporation with reference to such project or part thereof, or in
51 any way to impair the rights and remedies of the holders of bonds, until
52 the bonds, together with interest thereon, including interest on any
53 unpaid installments of interest, and all costs and expenses in
54 connection with any action or proceeding by or on behalf of the holders
55 of bonds, are fully met and discharged and such contracts are fully
56 performed on the part of the authority. The authority is authorized to

1 include this pledge and agreement of the state in any agreement with the
2 holders of bonds.

3 § 2676-n. Agreement with county. The county is authorized to pledge to
4 and agree with the holders of any bonds issued by the authority pursuant
5 to this title and with those persons or public corporations who may
6 enter into contracts with the authority pursuant to the provisions of
7 this title that the county will not alter, limit or impair the rights
8 hereby vested in the authority to purchase, construct, own and operate,
9 maintain, repair, improve, reconstruct, renovate, rehabilitate, enlarge,
10 increase and extend, or dispose of any project, or any part or parts
11 thereof, for which bonds of the authority shall have been issued, to
12 establish and collect rates, rents, fees and other charges referred to
13 in this title, to fulfill the terms of any agreements made with the
14 holders of the bonds or with any public corporation or person with
15 reference to such project or part thereof, or in any way impair the
16 rights and remedies of the holders of bonds, until the bonds, together
17 with interest thereon, including interest on any unpaid installments of
18 interest, and all cost and expenses in connection with any action or
19 proceeding by or on behalf of the holders of bonds, are fully met and
20 discharged and such contracts are fully performed on the part of the
21 authority.

22 § 2676-o. Exemption from taxes, assessments and certain fees. 1. The
23 authority shall not be required to pay any fees, taxes, special ad valo-
24 rem levies, or assessments, whether state or local, including but not
25 limited to fees, taxes, special ad valorem levies, or assessments on
26 real property, franchise taxes, sales taxes, or other excise taxes, upon
27 any property owned by it or under its jurisdiction, control or super-
28 vision, or upon the uses thereof, or upon its activities in the opera-
29 tion and maintenance of its facilities or any rentals, rates, charges,
30 fees, revenues, or other income received by the authority. Notwithstand-
31 ing the previous sentence, the authority shall be required to pay water
32 and pure water fees or charges as may be negotiated by any public corpo-
33 ration. The authority shall at all times be exempt from any filing,
34 mortgage recording, or transfer fees or taxes in relation to instruments
35 filed, recorded, or transferred by it or on its behalf. The
36 construction, use, occupation, or possession of any property owned by
37 the authority or the county, including improvements thereon, by any
38 person or public corporation under a lease, lease and sublease, or any
39 other agreement shall not operate to abrogate or limit the foregoing
40 exemption, notwithstanding that the lessee, user, occupant, or person in
41 possession shall claim ownership for federal income tax purposes.

42 2. Any bonds issued pursuant to this title together with the income
43 therefrom as well as the property of the authority shall at all times be
44 exempt from taxes, except for transfer and estate taxes. The state here-
45 by covenants with the purchasers and with all subsequent holders and
46 transferees of bonds issued by the authority pursuant to this title, in
47 consideration of the acceptance of and payment for the bonds, that the
48 bonds of the authority issued pursuant to this title and the income
49 therefrom and all revenues, monies, and other property pledged to secure
50 the payment of such bonds shall at all times be free from taxation,
51 except for transfer and estate taxes.

52 § 2676-p. Actions against authority. 1. Except in an action for wrong-
53 ful death, no action or special proceeding shall be prosecuted or main-
54 tained against the authority, its members, officers, or employees for
55 personal injury or damage to real or personal property alleged to have
56 been sustained by reason of the negligence, tort, or wrongful act of the

1 authority or of any member, officer, agent, or employee thereof, unless
2 (a) a notice of claim shall have been made and served upon the authority
3 within the time limit set by and in compliance with section fifty-e of
4 the general municipal law; (b) it shall appear by and as an allegation
5 in the complaint or moving papers that at least thirty days have elapsed
6 since the service of such notice and that adjustment or payment thereof
7 has been neglected or refused; (c) the action or special proceeding
8 shall be commenced within one year and ninety days after the happening
9 of the event upon which the claim is based; and (d) an action against
10 the authority for wrongful death shall be commenced in accordance with
11 the notice of claim and time limitation provisions of title eleven of
12 article nine of this chapter.

13 2. Whenever a notice of claim is served upon the authority, it shall
14 have the right to demand an examination of the claimant relative to the
15 occurrence and extent of the injuries or damages for which claim is
16 made, in accordance with the provisions of section fifty-h of the gener-
17 al municipal law.

18 3. The authority may require any person presenting for settlement an
19 account or claim for any cause whatever against the authority to be
20 sworn before a member, counsel, or an attorney, officer, or employee of
21 the authority designated for such purpose, concerning such account or
22 claim and, when so sworn, to answer orally as to any facts relative to
23 such account or claim. The authority shall have power to settle or
24 adjust all claims in favor of or against the authority.

25 4. Any action or proceeding to which the authority or the people of
26 the state may be parties, in which any question arises as to the validi-
27 ty of this title, shall be preferred over all other civil causes of
28 action or cases, except election causes of action or cases, in all
29 courts of the state and shall be heard and determined in preference to
30 all other civil business pending therein except election causes, irre-
31 spective of position on the calendar. The same preference shall be
32 granted upon application of the authority or its counsel in any action
33 or proceeding questioning the validity of this title in which the
34 authority may be allowed to intervene. The venue of any such action or
35 proceeding shall be laid in the supreme court of the county.

36 5. The rate of interest to be paid by the authority upon any judgment
37 for which it is liable, other than a judgment on its bonds, shall be the
38 rate prescribed by section five thousand four of the civil practice law
39 and rules. Interest on payments of principal or interest on any bonds in
40 default shall accrue at the rate borne by such bonds from the due date
41 thereof until paid or otherwise satisfied.

42 § 2676-q. Contracts. 1. All contracts for construction shall be let by
43 the authority in conformity with the applicable provisions of section
44 one hundred thirty-five of the state finance law and shall be let in
45 accordance with the provisions of state law pertaining to prevailing
46 wages, labor standards, and working hours.

47 2. The authority may, in its discretion, assign contracts for super-
48 vision and coordination to the successful bidder for any subdivision of
49 work for which the authority receives bids. The authority shall not
50 award any construction contract except to the lowest bidder who, in its
51 opinion, is qualified to perform the work required and who is responsi-
52 ble and reliable. The authority may, however, reject any or all bids or
53 waive any informality in a bid if it believes that the public interest
54 will be promoted thereby. The authority may reject any bid if, in its
55 judgment, the business and technical organization, plant, resources,

1 financial standing, or experience of the bidder justifies such rejection
2 in view of the work to be performed.

3 § 2676-r. Code of ethics. 1. Definition. As used in this section the
4 term "authority employee" shall mean any member, officer, or employee of
5 the authority.

6 2. Rule with respect to conflicts of interest. No authority employee
7 should have any interest, financial or otherwise, direct or indirect, or
8 engage in any business or transaction or professional activity, or incur
9 any obligation of any nature, which is in substantial conflict with the
10 proper discharge of such authority employee's duties in the public
11 interest.

12 3. Standards. (a) No authority employee shall accept other employment
13 which will impair such authority employee's independence of judgment in
14 the exercise of such authority employee's official duties.

15 (b) No authority employee shall accept employment or engage in any
16 business or professional activity which will require such authority
17 employee to disclose confidential information which such authority
18 employee has gained by reason of such authority employee's official
19 position or authority.

20 (c) No authority employee shall disclose confidential information
21 acquired by such authority employee in the course of such authority
22 employee's official duties nor use such information to further such
23 authority employee's personal interests.

24 (d) No authority employee shall use or attempt to use such authority
25 employee's official position to secure unwarranted privileges or
26 exemptions for such authority employee or others.

27 (e) No authority employee shall engage in any transaction as represen-
28 tative or agent of the authority with any business entity in which such
29 authority employee has a direct or indirect financial interest that
30 might reasonably tend to conflict with the proper discharge of such
31 authority employee's official duties.

32 (f) An authority employee shall not by such authority employee's
33 conduct give reasonable basis for the impression that any person can
34 improperly influence such authority employee or unduly enjoy such
35 authority employee's favor in the performance of such authority employ-
36 ee's official duties, or that such authority employee is affected by the
37 kinship, rank, position or influence of any party or person.

38 (g) An authority employee shall abstain from making personal invest-
39 ments in enterprises which such authority employee has reason to believe
40 may be directly involved in decisions to be made by such authority
41 employee or which will otherwise create substantial conflict between
42 such authority employee's duty in the public interest and such authority
43 employee's private interest.

44 (h) An authority employee shall endeavor to pursue a course of conduct
45 which will not raise suspicion among the public that such authority
46 employee is likely to be engaged in acts that are in violation of such
47 authority employee's trust.

48 (i) No authority employee employed on a full-time basis nor any firm
49 or association of which such authority employee is a member nor corpo-
50 ration a substantial portion of the stock of which is owned or
51 controlled directly or indirectly by such authority employee, should
52 sell goods or services to any person, firm, corporation or association
53 which is licensed or whose rates are fixed by the authority in which
54 such authority employee serves or is employed.

55 (j) If any authority employee shall have a financial interest, direct
56 or indirect, having a value of ten thousand dollars or more in any

1 activity which is subject to the jurisdiction of a regulatory agency,
2 such authority employee shall file with the secretary of state a written
3 statement that such authority employee has such a financial interest in
4 such activity which statement shall be open to public inspection.

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

9 § 2676-s. Agreements relating to payment in lieu of taxes. 1. In order
10 to assure that municipalities shall not suffer undue loss of taxes or
11 assessments in the event that the authority acquires any facility from
12 the county, any person paying real property taxes or assessments as of
13 the date of the transfer of title from the county to the authority on
14 any property located within any such facility shall make payments in
15 lieu of taxes in an amount equal to the sums which would ordinarily be
16 imposed as taxes by any municipality in which such property is located,
17 pursuant to the prevailing method of determining taxes and assessments.

18 2. Subject to any agreement with bond holders, the authority may, with
19 the approval of the county, but shall not be required to, enter into
20 agreements with any municipality of the state to pay annual sums in lieu
21 of taxes to any such municipality in respect of any real property which
22 is owned by the authority is located in such municipality and is used
23 for public purposes. For the purposes of this section, such public
24 purposes shall include without limitation athletic facilities, educa-
25 tional facilities, performing arts facilities, or residential facili-
26 ties.

27 3. (a) In the event that any real property owned by the authority is
28 used by the authority or a lessee thereof for purposes other than public
29 purposes, the authority, or lessee thereof, as the case may be, may,
30 with the approval of the county, enter into agreements with any muni-
31 cipality of the state to pay annual sums in lieu of taxes in respect of
32 such real property located in such municipality. For the purposes of
33 this section, such purposes other than public purposes shall include
34 without limitation, athletic facilities, educational facilities,
35 performing arts facilities, residential facilities, or office buildings
36 to the extent not used by the authority or any other public corporation
37 for its own corporate purposes, and such other buildings and improve-
38 ments as determined by the authority to be not exclusively for public
39 purposes.

40 (b) The authority shall determine (i) the amount of such annual
41 payments in lieu of taxes; (ii) whether the use of such property is for
42 purposes other than public purposes; and (iii) the extent to which such
43 property is used for purposes other than public purposes. In making such
44 determinations the authority shall take into consideration the recommen-
45 dations, if any, of the county.

46 § 2676-t. Audit and annual report. In conformity with the provisions
47 of section five of article ten of the state constitution, the accounts
48 of the authority shall be subject to the supervision of the state comp-
49 troller and an annual audit shall be performed by an independent certi-
50 fied accountant. The authority shall annually submit to the county comp-
51 troller, county legislature, county executive, governor, the state
52 comptroller, the chairperson of the senate finance committee, and the
53 chairperson of the assembly ways and means committee a detailed report
54 pursuant to the provisions of section twenty-eight hundred of this chap-
55 ter, and a copy of such report shall be filed with the clerk of the
56 county legislature and the county executive.

1 § 2676-u. Limited liability. Neither members, officers, or employees
2 of the authority, nor any municipality, or an officer or employee there-
3 of acting on behalf of the authority, shall be subject to any personal
4 liability resulting from the construction, maintenance, or operation of
5 any of the properties of the authority or from carrying out any of the
6 powers expressly given in this title provided, however, that this
7 section shall not be held to apply to any independent contractor.

8 § 2676-v. Transfer of applications, proceedings, approvals, and
9 permits. 1. Any application, review or process in relation to or in
10 furtherance of the purposes of or contemplated by this title heretofore
11 filed or undertaken, or any proceeding heretofore commenced or any
12 determination, finding or award made, by the county or by the county
13 with the federal government, or any other public corporation shall inure
14 to and for the benefit of the authority to the same extent and in the
15 same manner as if the authority has been a party to such application,
16 review, process, or proceeding from its inception, and the authority
17 shall be deemed a party thereto, to the extent not prohibited by any
18 federal law. Any license, approval, permit, determination, finding,
19 award, or decision heretofore or thereafter issued or granted pursuant
20 to or as a result of any such application, review, process or proceeding
21 shall inure to the benefit of and be binding upon the authority and
22 shall be assigned and transferred by the county to the authority unless
23 such assignment and transfer is prohibited by federal law.

24 2. All such applications, proceedings, licenses, approvals, permits,
25 determinations, findings, awards, and decisions shall further inure to
26 and for the benefit of and be binding upon any person leasing, acquir-
27 ing, financing, constructing, maintaining, operating, using, or occupy-
28 ing any facility financed in whole or in part by the authority.

29 § 2676-w. Separability. If any clause, sentence, paragraph, section,
30 or part of this title shall be adjudged by any court of competent juris-
31 isdiction to be invalid, such judgment shall not affect, impair or invali-
32 date the remainder thereof, but shall be confined in its operation to
33 the clause, sentence, paragraph, section, or part thereof involved in
34 the controversy in which such judgment shall have been rendered.

35 § 2676-x. Effect of inconsistent provisions. In so far as the
36 provisions of this title are inconsistent with the provisions of any
37 other act, general or special, or of the county charter or any local
38 law, charter, ordinance or resolution of the county or another munici-
39 pality, the provisions of this title shall be controlling. Nothing
40 contained in this section shall be held to supplement or otherwise
41 expand the powers or duties of the authority otherwise set forth in this
42 title. Except as specifically provided for in this title, in the
43 performance of any of its functions, powers and duties, the authority
44 shall be subject to all applicable general or special laws of the state,
45 the county charter, and any local law, ordinance or resolution of the
46 county.

47 § 2. This act shall take effect immediately.