STATE OF NEW YORK

7081

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

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:

Section 1. Section 827 of the public authorities law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

§ 827. Board of directors. The board of directors of the authority**, hereinafter in this title referred to as "the board,"** shall consist of thirteen members, as follows: The commissioner of agriculture and markets or the commissioner's representative shall be a member ex-officio. The board of supervisors of each of the counties in the district shall each name directors as follows: Onondaga, three; Oswego, two; Cayuga, two; Madison, two; Cortland, one; Oneida, one, and Wayne, one. One member from each of the above-named counties may be either a producer or non-producer of agricultural products; the other members named by the board of supervisors of the counties in the district entitled to additional directors shall be persons engaged in farming and deriving a greater part of their income therefrom, and all such appointments made after May first, nineteen hundred forty-four, shall be producers who actually sell all or part of their produce on the Central New York Regional Market.

Each member shall continue as a member during the pleasure of the body appointing him or her, and upon a vacancy occurring by the filing with the secretary of the authority of a duly certified copy of the resolution signifying that an appointment has been terminated, or upon resignation of a member, or a vacancy occurring in any other manner, it shall be filled in a manner corresponding to the original appointment. Each member shall, before entering upon the duties of office, take the constitutional oath of office and file the same in the office of the

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

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secretary of state. One more than one half of the duly qualified members shall constitute a quorum for the transaction of business and the concurrence of one more than one half of the duly qualified members at a meeting shall be necessary to the validity of any resolution, order or determination. Any member may be removed by the governor for inefficiency, neglect of duty or misconduct in office, after a hearing upon charges and an opportunity to be heard in person or by counsel upon not less than ten days' notice. The members shall not receive a salary or other compensation, but shall be paid actual expenses incurred in attending meetings of the board and in performing committee work assigned to them by the board. Expenses for travel shall not exceed the per mile rate allowed state employees for use of personal cars. Expenses of a special or extraordinary nature may be allowed by resolution of the board.

§ 2. Section 826 of the public authorities law, as amended by chapter 420 of the laws of 1951, is amended to read as follows:

§ 826. Central New York Regional Market Authority. **1.** There is hereby created and established a district to be known as the "central New York regional market district," **hereinafter in this title referred to as "the district,"** which shall embrace all the territory included within the following named counties: Cayuga, Cortland, Madison, Oneida, Onondaga, Oswego, that territory in Wayne county lying east of the new pre-emption line. For the accomplishment of the purposes hereinafter indicated relative to that district there is hereby created and established a public benefit corporation, to be known as "Central New York Regional Market Authority," hereinafter in this title referred to as "the authority." Such authority shall have perpetual existence and the power to acquire by the exercise of the right of eminent domain or otherwise such real estate within the district and other property as may be necessary, to sue and be sued, to incur debts, liabilities and obligations, to issue bonds and other evidences of indebtedness, to have a seal, and to exercise all powers authorized by this title and reasonably necessary for accomplishing its purposes, subject to the provisions herein contained and the constitution and laws of the United States and of New York state. Such powers shall be exercised in the name of the "Central New York Regional Market Authority."

2. In fulfilling the authority's mission, the board shall work cooperatively and in consultation with the department of agriculture and markets to ensure the proper development of agriculture and regional market facilities, in the central New York regional market district. The board and the department of agriculture and markets, hereinafter in this title referred to as "the department," shall jointly develop a plan for the future development and viability of agriculture and regional market facilities in the district. Such plan shall include both short-term and long-term goals and objectives as well as actual and projected revenues and expenditures. Such plan shall annually allocate no less than seventy-five percent of the authority's available funds for the creation, development, and enhancement of agriculture and regional market facilities, in the district. For purposes of this subdivision, available funds shall mean the net amount available after contractually obligated expenditures are subtracted from, but not be limited to, cash, cash equivalents, certificates of deposit, and other receivables available. The board and department shall meet annually prior to the close of the authority's fiscal year to evaluate the effectiveness of the use of funds for that fiscal year, review the goals and objectives of the plan, and properly prepare for the allocation and use of such funds for the next fiscal year. The plan shall be updated annually to make appropriate

modifications to such plan for the next fiscal year. Prior to any such funds being expended, both the board and the department must approve such plan, its goals and objectives as well as the projected revenues and proposed allocations.

3. The authority shall furnish an annual real estate report detailing all real estate holdings and detailed property information, including but not limited to the tenants, important lease terms, rents, durations of leases, as well as copies of each lease. Notwithstanding any other provision of law to the contrary, the authority shall furnish all required reports, audits, and reviews, including the annual real estate report, to all parties enumerated in paragraph (a) of subdivision one of section twenty-eight hundred of this chapter. A copy of such report shall be filed with the clerk of the Syracuse common council and the mayor, as well as to the department, within ninety days after the end of its fiscal year.

§ 3. The public authorities law is amended by adding three new sections 842, 843 and 844 to read as follows:

§ 842. Moneys of the authority. The state comptroller or his or her legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of the authority, including its receipts, disbursements, contracts, sinking funds, reserve funds, investments and any other matters relating to its financial standing.

§ 843. Application of local laws and ordinances to Central New York Regional Market Authority real property. The Central New York Regional Market Authority its real property and its facilities shall be subject to all local laws and ordinances in counties and municipalities where it operates and owns real property. Local law enforcement shall have the authority to enter the real property of the authority to enforce all local laws and ordinances. This section shall apply to all lessees of the authority's real property and its facilities.

§ 844. Code of ethics, conflict of interest policy, hiring policy. The board of directors of the Central New York Regional Market Authority shall adopt and publish on its website the following policies, including but not limited to: a code of ethics applicable to all board members, officers and employees of the authority pursuant to section seventy-four of the public officers law and a conflict of interest policy pursuant to section seventy-four of the public officers law and a hiring policy pursuant to section seventy-three of the public officers law.

§ 4. This act shall take effect immediately.