

STATE OF NEW YORK

7281

2025-2026 Regular Sessions

IN ASSEMBLY

March 24, 2025

Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to establishing the city of Buffalo parking authority

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

Section 1. Article 7 of the public authorities law is amended by adding a new title 5 to read as follows:

TITLE 5

CITY OF BUFFALO PARKING AUTHORITY

Section 1500-a. Short title.

1500-b. Definitions.

1500-c. City of Buffalo parking authority.

1500-d. Purpose and powers of the authority.

1500-e. Conveyance of property by the city to the authority; acquisition of property by the city or by the authority.

1500-f. Construction and purchase contracts.

1500-g. Contract for employees.

1500-h. Moneys of the authority.

1500-i. Bonds of the authority.

1500-j. Notes of the authority.

1500-k. Agreements of New York state.

1500-l. State and city not liable on bonds.

1500-m. Bonds legal investments for public officers.

1500-n. Tax exemptions.

1500-o. Tax contract by the state.

1500-p. Remedies of bondholders.

1500-q. Actions against the authority.

1500-r. Defense and indemnification.

1500-s. Code of ethics.

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

LBD10468-02-5

1500-t. Contracting for municipal services.

1500-u. Termination of authority.

1500-v. Title not affected if in part unconstitutional or ineffective.

1500-w. Inconsistent provisions in other acts superseded.

§ 1500-a. Short title. This title shall be known and may be cited as the "city of Buffalo parking authority act".

§ 1500-b. Definitions. As used or referred to in this title, unless a different meaning clearly appears from the context:

1. The term "authority" shall mean the corporation created by section fifteen hundred-c of this title;

2. The term "city" shall mean the city of Buffalo;

3. The term "bonds" shall mean the bonds authorized in this title;

4. The term "board" shall mean the members of the authority;

5. The term "real property" shall mean lands, structures, franchises, and interest in lands, and any and all things usually included within the said term, and includes not only fees simple absolute but also any and all lesser interest, such as easements, rights of way, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms of years, and liens thereon by way of judgments, mortgages or otherwise, and also claims for damage to real estate, in the area of the city;

6. The term "project" shall mean any area or place operated or to be operated by the authority for the parking or storing of motor and other vehicles or any area or place which use is supported by the authority's parking or storing of such vehicles and shall, without limiting the foregoing, include all real and personal property, driveways, roads, approaches, structures, terminals of all kinds, garages, meters, mechanical equipment, and all appurtenances and facilities proximate to, on, above or under the ground which are used or usable in connection with such parking or storing of such vehicles in the area of the city or which facilitates increased supply or demand for parking;

7. The term "projects" shall mean more than one project or public parking structure.

§ 1500-c. City of Buffalo parking authority. A board to be known as the "city of Buffalo parking authority" is hereby created. Such board shall be a body corporate and politic, constituting a public benefit corporation, and its existence shall commence upon the appointment of the members as herein provided. It shall consist of a chair and four other members, who shall be appointed by the mayor of the city of Buffalo, with the advice and consent of the city of Buffalo common council. The members shall serve at the pleasure of the mayor. Of the members first appointed, one shall be appointed for a period of one year, one for a period of two years, one for a period of three years, one for a period of four years, and one for a period of five years. At the expiration of such terms, the terms of office of their successors shall be five years. Each member shall continue to serve until the appointment and qualification of a successor. Vacancies in such board occurring otherwise than by the expiration of term shall be filled for the unexpired term. The members of the board shall choose from their number a vice-chair. The members of the board shall be compensated at the rate of twenty-five hundred dollars per annum each for a full year's service, and the chair of the board shall be compensated at the rate of thirty-five hundred dollars per annum for a full year's service. In addition thereto, members shall be entitled to reimbursement for any actual and necessary expenses incurred in the performance of such

1 member's official duties. The powers of the authority shall be vested
2 in and exercised by a majority of the members of the board. Such board
3 may delegate to one or more of its members or to its officers, agents
4 and employees such powers and duties as it may deem proper.

5 § 1500-d. Purpose and powers of the authority. The purpose of the
6 authority shall be to construct, operate and maintain one or more city
7 public parking projects in the city. To carry out said purpose, the
8 authority shall have power:

9 1. To sue and be sued;

10 2. To have a seal and alter the same at pleasure;

11 3. To acquire, hold and dispose of personal property for its corporate
12 purposes, including the power to purchase prospective or tentative
13 awards in connection with the condemnation of real property;

14 4. To acquire in the name of the city by purchase or condemnation and
15 use necessary real property. All real property acquired by the authority
16 by condemnation shall be acquired in the manner provided in the eminent
17 domain procedure law or in the manner provided by law for the condemna-
18 tion of land by the city;

19 5. To make by-laws for the management and regulation of its affairs,
20 and, subject to agreements with bondholders, for the regulation of the
21 project;

22 6. With the consent of the city, to use agents, employees and facili-
23 ties of the city, paying to the city its agreed proportion of the
24 compensation or costs;

25 7. To appoint officers, agents and employees, to prescribe their qual-
26 ifications and to fix their compensation; subject, however, to the
27 provisions of the civil service law, as hereinafter provided;

28 8. To appoint an attorney, who may be the corporation counsel of the
29 city, and to fix such attorney's compensation;

30 9. To make contracts and leases, and to execute all instruments neces-
31 sary or convenient;

32 10. To construct such buildings, structures and facilities as may be
33 necessary;

34 11. To reconstruct, improve, maintain and operate the projects;

35 12. To accept grants, loans or contributions from the United States,
36 the state of New York, or any agency or instrumentality of either of
37 them, or the city, or an individual, by bequest or otherwise, and to
38 expend the proceeds for any purposes of the authority;

39 13. To fix and collect rentals, fees and other charges for the use of
40 the projects or any of them subject to and in accordance with such
41 agreements with bondholders as may be made as hereinafter provided;

42 14. To construct, operate or maintain in the projects all facilities
43 necessary or convenient in connection therewith; and to contract for the
44 construction, operation or maintenance of any parts thereof or for
45 services to be performed; to rent parts thereof, and grant concessions,
46 all on such terms and conditions as it may determine; provided however,
47 that neither the authority, the city or any agency of the authority or
48 city, or any other person, firm or corporation shall, within or on any
49 property comprising a part of any project authorized by this title,
50 sell, dispense or otherwise handle any product used in or for the
51 servicing of any motor vehicle using any project or facility authorized
52 by this title, and provided further that the location of sites of the
53 projects shall be subject to the prior approval of the planning board
54 and common council of the city.

1 15. To do all things necessary, convenient or desirable, including
2 ancillary and incidental activities, to carry out its purposes and for
3 the exercise of the powers granted in this title.

4 § 1500-e. Conveyance of property by the city to the authority; acqui-
5 sition of property by the city or by the authority. 1. The city may, by
6 resolution or resolutions of the common council or by instruments
7 authorized by such resolutions, convey, with or without consideration,
8 and upon appropriate conditions as to outstanding city bonds appertain-
9 ing thereto, to the authority real and personal property owned by the
10 city for use by the authority as a project or projects or a part there-
11 of. In case of real property so conveyed, the title thereto shall remain
12 in the city but the authority shall have the use and occupancy thereof
13 for so long as its corporate existence shall continue. In the case of
14 personal property so conveyed, the title shall pass to the authority.

15 2. The city may acquire in the name of the city by purchase or condem-
16 nation real property in the city for any of the projects or for the
17 widening of existing roads, streets, avenues or highways, or for new
18 roads, streets, avenues or highways within a radius of one mile to any
19 of the projects, or partly for such purposes and partly for other city
20 purposes, by purchase or condemnation in the manner provided by law for
21 the acquisition of real property by the city. For like purposes, the
22 city may close such streets, roads, avenues, or highways as may be
23 necessary or convenient, except as to state highways and arterial ways
24 which may not be closed without the consent of the New York state
25 commissioner of transportation.

26 3. Contracts may be entered into between the city and the authority
27 providing for the property to be conveyed by the city to the authority,
28 the additional property to be acquired by the city and so conveyed, the
29 streets, roads, avenues, and highways to be closed by the city and the
30 amounts, terms and conditions of payment to be made by the authority.
31 Such contracts may also contain covenants by the city as to the road,
32 street, avenue and highway improvements to be made by the city. Any such
33 contracts between the city and the authority may be pledged by the
34 authority to secure its bonds and may not be modified thereafter except
35 as provided by the terms of the pledge. The common council may authorize
36 such contracts between the city and the authority and no other authori-
37 zation on the part of the city for such contracts shall be necessary.
38 Any such contracts may be so authorized and entered into by the city and
39 in such manner as the common council may determine, and the payments
40 required to be made by the city may be made and financed notwithstanding
41 that no provisions therefor shall have first been made in the annual
42 appropriations of the city. All contractual or other obligations of the
43 city incurred in carrying out the provisions of this title shall be
44 included in and provided for by each annual appropriation of the city
45 thereafter made, if and to the extent that they may appropriately be
46 included therein.

47 4. The authority may, subject to the approval of the common council of
48 the city, itself acquire real property for a project in the name of the
49 city at the cost and expense of the authority by gift, purchase, or
50 condemnation pursuant to the eminent domain procedure law or pursuant to
51 the laws relating to the condemnation of land by the city. The authori-
52 ty shall have the use and occupancy of such real property so long as its
53 corporate existence shall continue.

54 5. In case the authority shall have the use and occupancy of any real
55 property which it shall determine is no longer required for a project
56 then, if such property was acquired at the cost and expense of the city,

1 the authority shall have the power to surrender its use and occupancy
2 thereof to the city, or, if such real property was acquired at the cost
3 and expense of the authority, then the authority shall have the power to
4 sell, lease or otherwise dispose of said real property at public or
5 private sale, and shall retain and have the power to use the proceeds of
6 sale, rentals, or other moneys derived from the disposition thereof for
7 its purposes.

8 § 1500-f. Construction and purchase contracts. The authority shall let
9 contracts for construction in the same manner, so far as practicable, as
10 is provided by law for contracts of the city. Nothing in this section
11 shall be construed to limit the power of the authority to do any
12 construction directly by the officers, agents and employees of the
13 authority. Contracts for the purchase of supplies, material and equip-
14 ment shall be let in the same manner as is provided by law for contracts
15 of the city.

16 § 1500-g. Contract for employees. 1. The authority is hereby author-
17 ized to enter into contracts under which such contractor would provide
18 employees to the authority for the purpose of operation and maintenance
19 of the projects of the authority. The authority shall not begin opera-
20 tion of any project until such a contract shall be in force. Such
21 contract shall provide that all employees engaged in the operation and
22 maintenance of any authority project shall be employees of the contrac-
23 tor and not employees of the authority. Such employees shall receive
24 their total compensation and any employee benefits directly from the
25 contractor for whom they are employed. Except for roles considered to be
26 management or confidential pursuant to article fourteen of the civil
27 service law, including the board of the authority, established by
28 section fifteen hundred-c of this title, the authority shall have no
29 employees other than the employees of the contractor pursuant to any
30 contract authorized by this section.

31 2. Every contract entered into under subdivision one of this section
32 shall require that the wages to be paid to any employees engaged in the
33 operation and maintenance of any authority project shall be not less
34 than wages that are comparable to those paid to employees doing similar
35 work in the city of Buffalo.

36 § 1500-h. Moneys of the authority. All moneys of the authority shall
37 be paid to the treasurer of the city as agent of the authority, who
38 shall not commingle such moneys with any other moneys. Such moneys shall
39 be deposited in a separate bank account or accounts. The money in such
40 accounts shall be paid out by the treasurer on requisition of the chair
41 of the authority or of such person or persons as the authority may
42 authorize to make such requisitions after audit by and upon the warrant
43 of the city comptroller. All deposits of such moneys shall, if required
44 by the treasurer or the authority, be secured by obligations of the
45 United States or the state of New York at a market value equal at all
46 times to the amount of the deposit, and all banks and trust companies
47 are authorized to give such security for such deposits. The treasurer
48 and a legally authorized representative of the treasurer are authorized
49 and empowered from time to time to examine the accounts and books of the
50 authority, including its receipts, disbursements, contracts, leases,
51 sinking funds, investments and any other records and papers relating to
52 its financial standing. The authority shall have power, notwithstanding
53 the provisions of this section, to contract with the holders of any of
54 its bonds as to the custody, collection, securing, investment and
55 payment of any moneys of the authority or any moneys held in trust or
56 otherwise for the payment of bonds or in any way to secure bonds, and to

1 carry out any such contract notwithstanding that such contract may be
2 inconsistent with the previous provisions of this section. Moneys held
3 in trust or otherwise for the payment of bonds or in any way to secure
4 bonds and deposits of such moneys may be acquired in the same manner as
5 moneys of the authority, and all banks and trust companies are author-
6 ized to give such security for such deposits. The account of the author-
7 ity shall be subject to the supervision of the New York state comp-
8 troller, and such comptroller or legally authorized representatives of
9 the comptroller are hereby authorized and empowered from time to time to
10 examine the accounts and books of the authority, including its receipts,
11 disbursements, contracts, sinking funds, investments and any other
12 matter relating to its financial standing and fiscal affairs. Within
13 ninety days after the end of each fiscal year, an annual financial and
14 management audit of the authority's performance and operations shall be
15 prepared by an independent certified public accountancy firm. Such firm
16 shall be chosen from an approved list of auditors prescribed by the city
17 comptroller, the expense of which shall be treated as an expense of the
18 authority.

19 § 1500-i. Bonds of the authority. 1. The authority shall have the
20 power and is hereby authorized from time to time to issue its negotiable
21 bonds for any purpose mentioned in section fifteen hundred-d of this
22 title, including the acquisition, construction, reconstruction and
23 repair of personal and real property of all kinds deemed by the board to
24 be necessary or desirable to carry out such purpose, as well as to pay
25 such expenses as may be deemed by the board necessary or desirable to
26 the financing thereof and placing the project or projects in operation
27 in the aggregate principal amount of not exceeding seventy-five million
28 dollars outstanding at any one time. The authority shall have power from
29 time to time and whenever it deems refunding expedient, to refund any
30 bonds by the issuance of new bonds, whether the bonds to be refunded
31 have or have not matured and may issue bonds partly to refund bonds then
32 outstanding and partly for any other purpose hereinabove described. The
33 refunding bonds may be exchanged for the bonds to be refunded, with such
34 cash adjustments as may be agreed, or may be sold and the proceeds
35 applied to the purchase or payment of the bonds to be refunded. In
36 computing the total amount of bonds of the authority which may at any
37 time be outstanding the amount of the outstanding bonds to be refunded
38 from the proceeds of the sale of new bonds or by exchange for new bonds
39 shall be excluded. Except as may otherwise be expressly provided by the
40 authority, the bonds of every issue shall be general obligations of the
41 authority payable out of any moneys or revenues of the authority,
42 subject only to any agreements with the holders of particular bonds
43 pledging any particular moneys or revenues. Notwithstanding the fact
44 that the bonds may be payable from a special fund, if they are otherwise
45 of such form and character as to be negotiable instruments under article
46 eight of the uniform commercial code the bonds shall be and are hereby
47 made negotiable instruments within the meaning of and for all the
48 purposes of article eight of the uniform commercial code, subject only
49 to the provisions of the bonds for registration.

50 2. The bonds shall be authorized by resolution of the board and shall
51 bear such date or dates, mature at such time or times, not exceeding
52 thirty years from their respective dates, bear interest at such rate or
53 rates as such resolution may provide, be in such denominations, be in
54 such form, either coupon or registered, carry such registration privi-
55 leges, be executed in such manner, be payable in lawful money of the
56 United States of America at such place or places and be subject to such

1 terms of redemption, as such resolution or resolutions may provide. The
2 bonds may be sold at public or private sale for such price or prices as
3 the authority shall determine provided, however, that any private sale
4 shall be subject to the approval of the state comptroller, where such
5 sale is not to the comptroller, or the New York state director of the
6 budget, where such sale is to the comptroller.

7 3. Any resolution or resolutions, authorizing any bonds or any issue
8 of bonds may contain provisions, which shall be a part of the contract
9 with the holders of the bonds thereby authorized, as to:

10 (a) pledging all or any part of the revenues of a project or projects
11 to secure the payment of the bonds, subject to such agreements with
12 bondholders as may then exist;

13 (b) the rentals, fees and other charges to be charged, and the amounts
14 to be raised in each year thereby, and the use and disposition of the
15 revenues;

16 (c) the setting aside of reserves or sinking funds, and the regulation
17 and disposition thereof;

18 (d) limitations on the right of the authority to restrict and regulate
19 the use of a project;

20 (e) limitations on the purpose to which the proceeds of sale of any
21 issue of bonds then or thereafter to be issued may be applied and pledg-
22 ing such proceeds to secure the payment of the bonds or of any issue of
23 the bonds;

24 (f) limitations on the issuance of additional bonds; the terms upon
25 which additional bonds may be issued and secured; the refunding of
26 outstanding or other bonds;

27 (g) the procedure, if any, by which the terms of any contract with
28 bondholders may be amended or abrogated, the amount of bonds the holders
29 of which must consent thereof, and the manner in which such consent may
30 be given;

31 (h) limitations on the amount of moneys derived from a project to be
32 expended for operating, administrative or other expenses of the authori-
33 ty;

34 (i) vesting in a trustee or trustees such property, rights, powers and
35 duties in trust as the authority may determine which may include any or
36 all the rights, powers and duties of the trustees appointed by the bond-
37 holders pursuant to section fifteen hundred-p of this title, and limit-
38 ing or abrogating the right of the bondholders to appoint a trustee
39 under such section or limiting the rights, duties and powers of such
40 trustee;

41 (j) any other matters of like or different character, which in any way
42 affect the security or protection of the bonds.

43 4. It is the intention hereof that any pledge of revenues or other
44 moneys made by the authority shall be valid and binding from the time
45 when the pledge is made; that the revenues or other moneys so pledged
46 and thereafter received by the authority shall immediately be subject to
47 the lien of such pledge without any physical delivery thereof or further
48 act; and that the lien of any such pledge shall be valid and binding as
49 against all parties having claims, of any kind in tort, contract or
50 otherwise against the authority irrespective of whether such parties
51 have notice thereof. Neither the resolution nor any other instrument by
52 which a pledge is created need be recorded.

53 5. Neither the members of the authority nor any person executing the
54 bonds shall be liable personally on the bonds or be subject to any
55 personal liability or accountability by reason of the issuance thereof.

1 6. The authority shall have power out of any funds available therefor
2 to purchase bonds. The authority may hold, cancel or resell such bonds,
3 subject to and in accordance with agreements with bondholders.

4 7. In the discretion of the authority, the bonds may be secured by a
5 trust indenture by and between the authority and a corporate trustee,
6 which may be any trust company or bank having the powers of a trust
7 company in the state of New York. Such trust indenture may contain such
8 provisions for protecting and enforcing the rights and remedies of the
9 bondholders as may be reasonable and proper and not in violation of law,
10 including covenants setting forth the duties of the authority in
11 relation to the construction, maintenance, operation, repair and insur-
12 ance of the project or projects and the custody, safeguarding and appli-
13 cation of all moneys, and may provide that the project or projects shall
14 be constructed and paid for under the supervision and approval of
15 consulting engineers. Notwithstanding the provisions of section fifteen
16 hundred-h of this title, the authority may provide by such trust inden-
17 ture for the payment of the proceeds of the bonds and the revenues of
18 the project or projects to the trustee under such trust indenture or
19 other depository, and for the method of disbursement thereof, with such
20 safeguards and restrictions as it may determine. All expenses incurred
21 in carrying out such trust indenture may be treated as a part of the
22 cost of maintenance, operation, and repairs of the project or projects.
23 If the bonds shall be secured by a trust indenture, the bondholders
24 shall have no authority to appoint a separate trustee to represent them,
25 and the trustee under such trust indenture shall have and possess all of
26 the powers which are conferred by section fifteen hundred-p of this
27 title upon a trustee appointed by bondholders.

28 § 1500-j. Notes of the authority. The authority shall have power from
29 time to time to issue notes and from time to time to issue renewal
30 notes, herein referred to as notes, maturing not later than five years
31 from their respective original dates in an amount not exceeding at any
32 time five million dollars, over and above the amount of bonds authorized
33 by subdivision one of section fifteen hundred-i of this title, for any
34 purpose or purposes for which bonds may be issued, whenever the authori-
35 ty shall determine that payment thereof can be made in full from any
36 moneys or revenues which the authority expects to receive from any
37 source. Such notes may, among other things, be issued to provide funds
38 to pay preliminary costs of surveys, plans or other matters relating to
39 any proposed project. The authority may pledge such moneys or revenues,
40 subject to any other pledge thereof, for the payment of the notes and
41 may in addition secure the notes in the same manner and with the same
42 effect as herein provided for bonds. The notes shall be issued in the
43 same manner as bonds. The authority shall have power to make contracts
44 for the future sale from time to time of the notes, by which the
45 purchasers shall be committed to purchase the notes from time to time on
46 terms and conditions stated in such contracts, and the authority shall
47 have power to pay such consideration as it shall deem proper for such
48 commitments. In case of default on its notes or violation of any of the
49 obligations of the authority to the noteholders, the noteholders shall
50 have all the remedies provided herein for bondholders.

51 § 1500-k. Agreements of New York state. 1. The state of New York does
52 pledge to and agree with the holders of the bonds that the state will
53 not limit or alter the rights hereby vested in the authority to acquire,
54 construct, maintain, reconstruct and operate the project or projects, to
55 establish and collect rentals, fees and other charges and to fulfill the
56 terms of any agreements made with the holders of the bonds, or in any

1 way impair the rights and remedies of the bondholders, until the bonds,
2 together with interest thereon, with interest on any unpaid installments
3 of interest and all costs and expenses in connection with any action or
4 proceeding by or on behalf of the bondholders, are fully met and
5 discharged.

6 2. The authority is hereby authorized, in its discretion, for and on
7 behalf of itself and the city to covenant and agree with the holders of
8 the bonds, with such exceptions and limitations as it may deem in the
9 public interest, that no public parking areas except those acquired and
10 operated by the authority will be constructed or operated in the city by
11 the city, or by any public benefit or other corporation the members or
12 some of which are elected or are appointed by city officials, until
13 either (a) the bonds, together with interest thereon, interest on any
14 unpaid installments of interest and all costs and expenses in connection
15 with any action or proceeding by or on behalf of the bondholders are
16 fully met and discharged or (b) principal or interest of any of the
17 bonds shall be overdue and unpaid for a period of three years or more,
18 provided that nothing herein contained shall be deemed to impair the
19 right of the city to install and operate parking meters on the public
20 streets of the city.

21 § 1500-l. State and city not liable on bonds. The bonds and other
22 obligations of the authority shall not be a debt of the state of New
23 York or of the city, and neither the state nor the city shall be liable
24 thereon, nor shall they be payable out of any funds other than those of
25 the authority.

26 § 1500-m. Bonds legal investments for public officers. The bonds are
27 hereby made securities in which all public officers and bodies of this
28 state and all municipalities and municipal subdivisions, all insurance
29 companies and associations and other persons carrying on an insurance
30 business, all banks, bankers, trust companies, savings banks and savings
31 associations, including savings and loan associations, building and loan
32 associations, investment companies and other persons carrying on a bank-
33 ing business, and all other persons whatsoever except as hereinafter
34 provided, who are now or may hereafter be authorized to invest in bonds
35 or other obligations of the state, may properly and legally invest funds
36 including capital in their control or belonging to them; provided that,
37 notwithstanding the provisions of any other general or special law to
38 the contrary, such bonds shall not be eligible for the investment of
39 funds, including capital, of trusts, estates or guardianships under the
40 control of individual administrators, guardians, executors, trustees and
41 other individual fiduciaries. The bonds are also hereby made securities
42 which may be deposited with and shall be received by all public officers
43 and bodies of this state and all municipalities and municipal subdivi-
44 sions for any purpose for which the deposit of bonds or other obli-
45 gations of this state is now or may hereafter be authorized.

46 § 1500-n. Tax exemptions. 1. It is hereby determined that the creation
47 of the authority and the carrying out of its corporate purposes is in
48 all respects for the benefit of the people of the city and its environs,
49 and is a public purpose, and the authority shall be regarded as perform-
50 ing a governmental function in the exercise of the powers conferred upon
51 it by this title and shall be required to pay no taxes or assessments
52 upon any of the property acquired by it or under its jurisdiction or
53 control or supervision or upon its activities.

54 2. Any bonds or notes issued pursuant to this title, together with the
55 income therefrom, as well as the property of the authority, shall be

1 exempt from taxation, except for estate or gift taxes and taxes on
2 transfers.

3 § 1500-o. Tax contract by the state. The state of New York covenants
4 with the purchasers and with all subsequent holders and transferees of
5 bonds or notes issued by the authority pursuant to this title, in
6 consideration of the acceptance of and payment for the bonds or notes,
7 that the bonds and notes of the authority issued pursuant to this title
8 and the income therefrom, and all moneys, funds and revenues pledged to
9 pay or secure the payment of such bonds or notes shall at all times be
10 free from taxation except for estate or gift taxes and taxes on trans-
11 fers.

12 § 1500-p. Remedies of bondholders. 1. In the event that the authority
13 shall default in the payment of principal of or interest on any issue of
14 the bonds after the same shall become due, whether at maturity or upon
15 call for redemption, and such default shall continue for a period of
16 thirty days, or in the event that the authority shall fail or refuse to
17 comply with the provisions of this title, or shall default in any agree-
18 ment made with the holders of any issue of the bonds, the holders of
19 twenty-five per centum in aggregate principal amount of the bonds of
20 such issue then outstanding, by instrument or instruments filed in the
21 office of the clerk of the county of Erie and proved or acknowledged in
22 the same manner as a deed to be recorded, may appoint a trustee to
23 represent the holders of such bonds for the purposes herein provided.

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

27 (a) by action or special proceeding enforce all rights of the bond-
28 holders, including the right to require the authority to collect reven-
29 ues adequate to carry out by any agreement as to, or pledge of, such
30 revenues, and to require the authority to carry out any other agreements
31 with the holders of such bonds and to perform its duties under this
32 title;

33 (b) bring suit upon such bonds;

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

37 (d) by action or special proceeding, enjoin any acts or things which
38 may be unlawful or in violation of the rights of the holders of such
39 bonds;

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

44 3. The supreme court shall have jurisdiction of any suit, action or
45 proceeding by the trustee on behalf of bondholders. The venue of any
46 such suit, action or proceeding shall be laid in the county of Erie.

47 4. Before declaring the principal of all such bonds due and payable,
48 the trustee shall first give thirty days' notice in writing to the
49 authority.

50 5. Any such trustee, whether or not the issue of bonds represented by
51 such trustee has been declared due and payable, shall be entitled as of
52 right to the appointment of a receiver of any part or parts of the
53 project the revenues of which are pledged for the security of the bonds
54 of such issue, and such receiver may enter and take possession of such
55 part or parts of the project and, subject to any pledge or agreement
56 with bondholders, shall take possession of all moneys and other property

1 derived from or applicable to the acquisition, construction, operation,
2 maintenance and reconstruction of such part or parts of the project and
3 proceed with the acquisition of any necessary real property in
4 connection with the project that the authority has covenanted to
5 construct, and with any construction which the authority is under obli-
6 gation to do and to operate, maintain and reconstruct such part or parts
7 of the project and collect and receive all revenues thereafter arising
8 therefrom subject to any pledge thereof or agreement with bondholders
9 relating thereto and perform the public duties and carry out the agree-
10 ments and obligations of the authority under the direction of the court.
11 In any suit, action or proceeding by the trustee, the fee, counsel fees
12 and expenses of the trustee and of the receiver, if any, shall consti-
13 tute taxable disbursements and all costs and disbursements allowed by
14 the court shall be a first charge on any revenues derived from such
15 project.

16 6. Such trustee shall, in addition to the foregoing, have and possess
17 all of the powers necessary or appropriate for the exercise of any func-
18 tions specifically set forth herein or incident to the general represen-
19 tation of bondholders in the enforcement and protection of their rights.

20 § 1500-q. Actions against the authority. 1. In every action against
21 the authority for damages, for injuries to real or personal property, or
22 for the destruction thereof, or for personal injuries or death, the
23 complaint shall contain an allegation that at least ninety days have
24 elapsed since the demand, claim or claims upon which such action is
25 founded were presented to a member of the authority, or to its secre-
26 tary, or to its chief executive officer and that the authority has
27 neglected or refused to make an adjustment or payment thereof for ninety
28 days after such presentment.

29 2. Except in an action for wrongful death, an action against the
30 authority for damages for injuries to real or personal property, or for
31 the destruction thereof, or for personal injuries, alleged to have been
32 sustained, shall not be commenced more than one year and ninety days
33 after the cause of action therefor shall have accrued, nor unless a
34 notice of claim shall have been served on the authority within the time
35 limit established by, and in compliance with all requirements of section
36 fifty-e of the general municipal law. An action against the authority
37 for wrongful death shall be commenced in accordance with the notice of
38 claim and time limitation provisions of title eleven of article nine of
39 this chapter.

40 § 1500-r. Defense and indemnification. The authority shall not execute
41 any of its powers, except as necessary to commence its corporate exist-
42 ence, until the authority confers upon its members the provisions of
43 section eighteen of the public officers law, pursuant to subdivision two
44 of such section; provided, however, that nothing contained within this
45 section shall be deemed to permit the authority to extend the provisions
46 of section eighteen of the public officers law upon any independent
47 contractor.

48 § 1500-s. Code of ethics. 1. As used in this section, the term
49 "authority employee" shall mean any member, officer or employee of the
50 authority.

51 2. No authority employee shall have any interest, financial or other-
52 wise, direct or indirect, or engage in any business or transaction or
53 professional activity or incur any obligation of any nature, which is in
54 substantial conflict with the proper discharge of such authority employ-
55 ee's duties in the public interest.

1 3. (a) No authority employee shall accept other employment, which will
2 impair such authority employee's independence of judgment in the exer-
3 cise of such employee's official duties.

4 (b) No authority employee shall accept employment or engage in any
5 business or professional activity which will require the employee to
6 disclose confidential information which such employee has gained by
7 reason of their official position or authority.

8 (c) No authority employee shall disclose confidential information
9 acquired by the employee in the course of such employee's official
10 duties nor use such information to further any personal interests.

11 (d) No authority employee shall use or attempt to use such employee's
12 official position to secure unwarranted privileges or exemptions for
13 personal gain or the personal gain of others.

14 (e) No authority employee shall engage in any transaction as represen-
15 tative or agent of the authority with any business entity in which such
16 employee has a direct or indirect financial interest that might reason-
17 ably tend to conflict with the proper discharge of such employee's offi-
18 cial duties.

19 (f) An authority employee shall not by such employee's conduct give
20 reasonable basis for the impression that any person can improperly
21 influence such employee or unduly enjoy such employee's favor in the
22 performance of their official duties, or that such employee is affected
23 by the kinship, rank, position or influence of any party or person.

24 (g) An authority employee shall abstain from making personal invest-
25 ments in enterprises which such authority employee has reason to believe
26 may be directly involved in decisions to be made by the employee or
27 which will otherwise create substantial conflict between such employee's
28 duty in the public interest and their private interest.

29 (h) An authority employee shall endeavor to pursue a course of conduct
30 which will not raise suspicion among the public that such employee is
31 likely to be engaged in acts that are in violation of public trust.

32 (i) No authority employee who is employed on a full-time basis by any
33 firm, company, or association, is a member of such firm, company or,
34 association, or owns or controls, directly or indirectly, a large
35 portion of stock of such firm, company, or association which sells goods
36 or services shall sell such goods or services to any person, firm,
37 corporation or association which is licensed or whose rates are fixed by
38 the authority in which such employee serves or is employed.

39 (j) If any authority employee shall have any financial interest,
40 direct or indirect, having a value of ten thousand dollars or more in
41 any activity which is subject to the jurisdiction of a regulatory agen-
42 cy, such authority employee shall file with the secretary of state a
43 written statement that such employee has such a financial interest in
44 such activity. Such statement shall be open to public inspection.

45 4. In addition to other applicable law, any authority employee who
46 shall knowingly and intentionally violate any of the provisions of this
47 section may be fined, suspended, or removed from office or employment.

48 § 1500-t. Contracting for municipal services. In addition to any other
49 general or special powers vested in public benefit corporations for the
50 performance of their respective functions, powers or duties on an indi-
51 vidual, cooperative, joint, or contract basis, the authority shall have
52 power to enter into, amend, cancel, and terminate agreements with the
53 city of Buffalo for the provision and reimbursement of services. Any
54 agreement entered into hereunder shall be subject to prior approval of
55 the common council of the city of Buffalo and the authority by a majori-
56 ty vote of the voting strength of its governing body.

1 § 1500-u. Termination of authority. Whenever all bonds or notes issued
2 by the authority shall have been redeemed or cancelled, and all trans-
3 actions, debt, and such other obligations have been satisfied or other-
4 wise terminated, the agency shall cease to exist and all rights, titles,
5 interest, and assets thereof vested in or possessed by the authority
6 shall thereupon vest in and be possessed by the city of Buffalo.

7 § 1500-v. Title not affected if in part unconstitutional or ineffec-
8 tive. If any section, clause or provision of this title shall be uncon-
9 stitutional or be ineffective in whole or in part, to the extent that it
10 is not unconstitutional or ineffective, it shall be valid and effective
11 and no other section, clause or provision shall on account thereof be
12 deemed invalid or ineffective.

13 § 1500-w. Inconsistent provisions in other acts superseded. Insofar as
14 the provisions of this title are inconsistent with the provisions of any
15 other act, general or special, or of any local law of the city, the
16 provisions of this title shall be controlling.

17 § 2. This act shall take effect on the one hundred eightieth day after
18 it shall have become a law. Effective immediately, the addition, amend-
19 ment and/or repeal of any rule or regulation necessary for the implemen-
20 tation of this act on its effective date are authorized to be made and
21 completed on or before such effective date.