§ 3307. Transfer of property; relationship with the county; certain gifts, loans and guarantees by the county. 1. (a) The county may give, grant, sell, convey, loan, license the use of, or lease to the corporation any property (except monies appropriated by the county and payable to the corporation pursuant to subdivision three and paragraph (a) of subdivision four of this section) which are useful in connection with the exercise by the corporation of any of its powers under this title in order to transfer the facilities and operations of the Westchester County Medical Center to the corporation by agreement between the county and the corporation and any subsequent renewal or amendment thereof, by local law adopted by a two-thirds majority of the county board of legislators and after approval by the county board of acquisition and contract, notwithstanding any general, special or local law, ordinance, resolution or charter.

(b) Any such gift, grant, sale, conveyance, loan, license or lease shall be upon such terms and conditions, for such consideration, if any, and for such term or terms of years, subject to the rights of the holders of any bonds, as the corporation and the county may agree. No real property of the county consisting of any health facility currently operated by the Westchester County Medical Center shall be transferred to the corporation in fee, except under such restrictions regarding rights of first refusal, or other rights, to repurchase the property as the Westchester County Board of Legislators shall approve by act, and subject to a restrictive covenant prohibiting the corporation from pledging or mortgaging the fee interest in the property. In the event that the county gives, grants, sells, conveys, loans, licenses or leases any facilities to the corporation, the county may contract with the corporation to lease, borrow, license, operate, maintain, manage and provide services for such facilities upon such terms and conditions and for such term or terms of years, subject to the rights of holders of bonds, as the corporation and the county may agree. The corporation, in furtherance of any purchase, conveyance or lease of any property or facility from the county, may assume the primary responsibility for the payment of the principal and interest on any bonds or notes issued by the county for such property or facility.

2. The county may acquire by purchase, grant, lease, gift or

condemnation pursuant to the eminent domain procedure law, real property in the name of the county for any corporate purpose of the corporation.

3. In addition to any other powers granted to it by law and consistent with the constitution and other provisions of law, the county may, from time to time, appropriate sums of money to defray project costs or any other costs or expenses of the corporation including operating expenses.

Subject to the rights of bondholders, the county may determine if the monies so appropriated shall be subject to repayment by the corporation to the county and, in such event, the manner and time or times for such repayment.

4. In addition to the authority granted elsewhere in this title and by other applicable laws, the corporation and the county may enter into a contract or contracts from time to time providing for one or more of the following:

(a) the payment of sums appropriated by the county pursuant to subdivision three of this section;

(b) the payment of sums for health care services provided by the corporation which could otherwise be provided directly by the county, including services for uncompensated care;

(c) services to be provided by the county to or on behalf of the corporation;

(d) the transfer of employees of the county to the corporation as provided in section thirty-three hundred four of this title;

(e) indemnification by the corporation to the county for claims associated with establishment of and operation of the corporation and its health facilities;

(f) the gift, grant, sale, conveyance, loan, license or lease by the county to the corporation of any property (except monies appropriated by the county and payable to the corporation pursuant to subdivision three and paragraph (a) of this subdivision) or facilities which are useful in connection with the exercise by the corporation of any of its powers under this title not transferred pursuant to the authority granted in paragraph (a) of subdivision one of this section, which gift, grant, sale, conveyance, loan, license or lease shall nevertheless be subject

to paragraph (b) of subdivision one of this section; and

(g) such other matters as may be appropriate to accomplish the purposes hereof.

Any such contract or contracts shall be authorized by the county by act adopted by majority vote of the county board of legislators and with the approval of the county board of acquisition and contract. Such contract or contracts shall include such terms and conditions, be for such consideration, if any, and have such term or terms of years, as the corporation and the county may agree.

5. On the effective date of the transfer of the facilities and operations of the Westchester County Medical Center pursuant to an agreement between the county and the corporation as authorized in this title, the department shall be abolished. On and after such date, the department of health of the county shall be vested with all power and authority of the department not explicitly or implicitly transferred to the corporation pursuant to this title.

6. (a) Notwithstanding any general, special or local law or charter provisions to the contrary, the county of Westchester shall have the power and is hereby authorized, pursuant to section seven of article seventeen of the state constitution, to lend its money or credit to or in aid of the corporation or any subsidiary thereof for the purpose of providing health related facilities or hospital facilities for the prevention, diagnosis or treatment of human disease, pain, injury, disability, deformity or physical condition, and for facilities incidental or appurtenant thereto as may be prescribed by law. The county is hereby authorized to prescribe such facilities by local law of the county. The corporation or any such subsidiary thereof, as a condition to any such loan of money or credit, shall enter into a regulatory agreement with the county as to its charges, profits, dividends and disposition of its property of franchises, which agreement shall be binding and enforceable by the county insofar as this regulates such charges, profits, dividends and disposition of property. The county may elect in such regulatory agreement to refrain from exercising all or any portion of its authority to so regulate such charges, profits,

dividends and disposition of property to the extent such charges, profits, dividends and disposition of property are regulated by the state or any agency thereof. The county shall authorize such regulatory agreement by local law.

(b) In pursuance of the authority granted pursuant to this article, the county shall have the power and is hereby authorized from time to time to issue its bonds, notes or other obligations in such principal amounts as it shall deem necessary, after taking into account other monies which may be available for the purposes set forth in this section. Except as provided for in paragraph (c) of this subdivision, such bonds, notes or obligations shall be issued for the purpose of making loans to the corporation or any subsidiary thereof, paying interest on such bonds, notes or other obligations, establishment of reserves to secure such notes, bonds, or other obligations, and paying all other obligations and expenditures incidental to and necessary or convenient for the making of such loans. Such bonds, notes or obligations shall be issued in accordance with the applicable provisions of this chapter and the local finance law and applicable local laws. The county, in its sole discretion, may, in lieu of the corporation, undertake to perform or complete the corporation's capital project if authorized to do so in the county's capital budget. The corporation shall submit its capital project requests to the county and shall comply with any and all requirements imposed by the county in accordance with the county's capital projects procedures. The corporation shall also provide to the county any and all documentation and information requested by the county with respect to all such capital projects. In the event that the county determines to undertake to perform or complete the corporation's capital project pursuant to this subdivision, such capital project shall be accomplished in such manner as may be authorized by the county. The county may enter into contracts as are necessary to carry out such capital projects on behalf of the corporation, including, but not limited to, contracts for architects, engineers, land surveyors and other consultants, contracts for public works and purchase contracts. With respect to such contracts, the county shall comply with the requirements set forth in article five-A of the general municipal law, provided however the county shall be entitled to utilize the provisions set forth in subdivisions nine and ten of

section thirty-three hundred three of this article. After the completion of the capital project, the corporation shall annually submit to the budget director and the commissioner of finance of the county a written report detailing and certifying the manner by which the corporation is utilizing the capital project in a manner consistent with the county's issuance of bonds for such project. Such report shall be submitted on or before the first day of March of each year after the project's completion.

(c) The county shall also have the power and is hereby authorized to issue its bonds, notes or other obligations to provide full funding without repayment by the corporation. The county, in its sole discretion, may, in lieu of the corporation undertake to perform or complete capital projects of the corporation, if authorized to do so in the county's capital budget. Such bonds, notes or obligations, if authorized by the county, shall be issued in accordance with the applicable provisions of this chapter, the local finance law and applicable local laws. The corporation shall submit its capital project requests to the county and shall comply with any and all requirements imposed by the county in accordance with the county's capital projects procedures. The corporation shall cooperate with the county and provide to the county any and all documentation and information requested by the county with respect to all such capital projects. In the event that the county determines to undertake to perform or complete the corporation's capital project pursuant to this subdivision, such capital project shall be accomplished in such manner as may be authorized by the county. The county may enter into contracts as are necessary to carry out such capital projects on behalf of the corporation, including, but not limited to, contracts for architects, engineers, land surveyors and other consultants, contracts for public works and purchase contracts. With respect to such contracts, the county shall comply with the requirements set forth in article five-A of the general municipal law, provided however the county shall also be entitled to utilize the provisions set forth in subdivisions nine and ten of section thirty-three hundred three of this article. After the completion of the capital project, the corporation shall annually submit to the budget director and the commissioner of finance of the county a written report detailing and certifying the manner by which the corporation is

utilizing the capital project in a manner consistent with the county's issuance of bonds for such project. Such report shall be submitted on or before the first day of March of each year after the project's completion.

(d) Any guarantee by the county made pursuant to the authority granted in this section shall be authorized by act or acts of the county in the same manner as such act or acts authorizing the issuance of bonds of the county for the purposes for which such guarantee is undertaken.

(e) The county shall also be authorized to enact laws governing the conditions under which such loans, commitments and guarantees shall be made.

7. For purposes of subdivision four of paragraph a of section 25.00 of the local finance law, amounts to be derived by the county of Westchester from the corporation, or any subsidiary thereof, shall be included in the term "other income".

8. (a) Notwithstanding the provisions of any other state or local law to the contrary, including, but not limited to, sections six-n and six-j of the general municipal law, with the approval of the county board of legislators, amounts deposited for or on behalf of the Westchester County Medical Center in the liability and casualty and workers' compensation reserve funds established by the county pursuant to said sections of the general municipal law, and investment earnings thereon, may be withdrawn by the county from such funds and transferred to the corporation and shall be used by the corporation for the purposes for which such funds were established.

(b) No amounts shall be withdrawn and transferred to the corporation pursuant to this subdivision unless prior thereto the corporation has agreed in writing to indemnify and hold harmless the county, and provide defense, for all claims, cases, proceedings, actions or other matters against the county arising out of the properties, facilities, operations or employees of the corporation of the Westchester County Medical Center, whether commenced before or after the date of transfer of said amounts, and to provide such other security for this obligation as the county may reasonably require.