

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority

McKinney's Public Authorities Law Ch. 43-A, Art. 5, T. 6, Refs & Annos
[Currentness](#)

McKinney's Public Authorities Law Ch. 43-A, Art. 5, T. 6, Refs & Annos, NY PUB AUTH Ch. 43-A, Art. 5, T. 6, Refs & Annos

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115

§ 1115. Short title

[Currentness](#)

This title shall be known and may be cited as the “Albany municipal water finance authority act”.

Credits

(Added L.1986, c. 868, § 2.)

McKinney's Public Authorities Law § 1115, NY PUB AUTH § 1115

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-a

§ 1115-a. Definitions

Currentness

As used or referred to in this title, unless a different meaning clearly appears from the context:

1. "Agreement" shall mean any agreement entered into by the city pursuant to [section one thousand one hundred fifteen-g](#) or [section one thousand one hundred fifteen-h](#) of this title.
2. "Authority" shall mean the corporation created by [section one thousand one hundred fifteen-b](#) of this title.
3. "Bonds" shall mean the bonds, notes or other evidences of indebtedness issued by the authority pursuant to this title, and the provisions of this title relating to bonds and bondholders shall apply with equal force and effect to notes and noteholders, respectively, unless the context otherwise clearly requires.
4. "City" shall mean the city of Albany.
5. "Common council" or "council" shall mean the common council of the city.
6. "Civil service commission" shall mean the civil service commission of the city.
7. "Comptroller" shall mean the comptroller of the state.
8. "Construction" shall mean the acquisition, erection, building, alteration, improvement, increase, enlargement, extension, reconstruction, renovation or rehabilitation of a water, sewerage or water, and sewerage system or project, as the case may be; the inspection and supervision thereof; and the engineering, architectural, legal, fiscal and economic and environmental investigations and studies, surveys, designs, plans, working drawings, specifications, procedures and other actions preliminary or incidental thereto and claims arising therefrom.
9. "Contracting agency" shall mean the authority or the water board, as the case may be.

10. “Cost”, as applied to any project, includes the cost of construction, the cost of the acquisition of all property, including both real, personal and mixed, the cost of demolishing, removing or relocating any buildings or structures on lands so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved or relocated, the cost of all systems, facilities, machinery, apparatus and equipment, financing charges, interest prior to, during and after construction to the extent not paid or provided for from revenues or other sources, the cost of engineering and architectural surveys, plans and specifications, the cost of consultant and legal services, the cost of lease guarantee or bond insurance and the cost of other expenses necessary or incidental to the construction of such project and the financing of the construction thereof, including the amount authorized in the resolution of the authority providing for the issuance of bonds to be paid into any reserve or other special fund from the proceeds of such bonds and the financing of the placing of any project in operation, including reimbursement to the city, or any municipality, state agency, the state, the United States government, or any other person for expenditures that would be costs of the project hereunder.

11. “Governing body” shall mean the members of the authority or the water board, as the case may be, constituting and acting as the governing body of the authority or the water board, as the case may be.

12. “Mayor” shall mean the mayor of the city.

13. “Municipality” shall mean any county, city, town, village, improvement district under the town law, any other such instrumentality, including any agency, or public corporation of the state, or any of the foregoing or any combination thereof.

14. “Person” shall mean any natural person or any firm, partnership, association, joint venture or corporation, exclusive of public corporations as defined pursuant to article two-A of the general construction law.

15. “Project” shall mean any water facility, sewerage facility or water and sewerage facility, including the planning, development, financing or construction thereof.

16. “Properties” shall mean the water supply and distribution system or systems of the water board, and sewerage system or systems of the water board, whether situated within or without the territorial limits of the city, including the plants, works, structures, instrumentalities or part thereof and appurtenances thereto, real property, water facilities, sewerage facilities or any other property incidental to and included in such system or part thereof, and any improvements, extensions and betterments.

17. “Real property” shall mean lands, structures, franchises and interests in land, waters, lands underwater, ground water, riparian rights and air rights and any and all things and rights included within said term and includes not only fees simple absolute, but also any and all lesser interests including, but not limited to, easements, rights of way, uses, leases, licenses and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms for years and liens thereon by way of judgments, mortgages or otherwise.

18. “Revenues” shall mean rates, rents, fees, charges, payments and other income and receipts derived from users of a water system or sewerage system of the city or the water board including, without limiting the generality of the foregoing, investment proceeds and proceeds of insurance, condemnation, sale or other disposition of any part thereof, together with all federal, state or municipal aid therefor.

19. “Sewage” shall mean the water-carried human or animal wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration and surface water as may be present. The admixture with sewage of industrial or other waste also shall be considered “sewage” within the meaning of this title.

20. “Sewerage facility” or “sewerage facilities” shall mean any plants, structures and other real and personal property acquired, rehabilitated or constructed or planned for the purpose of collecting, treating and disposing of sewage, including but not limited to main, trunk, intercepting, connecting, lateral, outlet or other sewers, outfalls, pumping stations, treatment and disposal plants, groundwater recharge basins, back-flow prevention devices, sludge dewatering or disposal equipment and facilities, clarifiers, filters, phosphorus removal equipment, and other plants, structures, equipment, vehicles, conveyances, real or personal property or rights therein and appurtenances thereto necessary or useful and convenient for the collection, conveyance, pumping, neutralizing, storing and disposing of sewage.

21. “Sewerage system” shall mean the sewage collection, pumping, treatment, neutralizing, storage and disposal system or systems owned by, in the possession of, or under the jurisdiction and control of the city or the water board, including all additions, increases, enlargements, extensions or improvements thereto.

22. “State” shall mean the state of New York.

23. “State agency” shall mean any state office, department, board, commission, bureau or division, or other agency or instrumentality of the state.

24. “Water board” shall mean the corporation created by a special act of the state legislature at the request of the city as provided in [section one thousand one hundred fifteen-e](#) of this title.

25. “Water facility” or “water facilities” shall mean any plants, structures and other real and personal property acquired, rehabilitated, constructed or planned for the purpose of accumulating, supplying, transmitting, treating or distributing water, including but not limited to surface or groundwater reservoirs, basins, dams, canals, aqueducts, standpipes, conduits, pipelines, mains, pumping stations, pumps, water distribution systems, compensating reservoirs, intake stations, waterworks or sources of water supply, wells, purification or filtration plants or other treatment plants and works, connections, water meters, rights of flowage or diversion and other plants, structures, equipment, vehicles, conveyances, real or personal property or rights therein and appurtenances thereto necessary or useful and convenient for the accumulation, supply, transmission, treatment or distribution of water.

26. “Water system” shall mean the water supply and distribution system or systems owned by, in the possession of, or under the jurisdiction, control and regulation of the city or the water board, including all additions, increases, enlargements, extensions or improvements thereto.

Credits

(Added L.1986, c. 868, § 2. Amended [L.1987, c. 403, § 1.](#))

McKinney's Public Authorities Law § 1115-a, NY PUB AUTH § 1115-a

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-b

§ 1115-b. Albany municipal water finance authority

Currentness

1. A public corporation, to be known as the “Albany municipal water finance authority,” is hereby created for the public purposes and charged with the duties and having the powers provided in this title. The authority shall be a body corporate and politic constituting a public benefit corporation.

2. The authority shall consist of seven members, five of whom shall be residents of the city and be appointed by the mayor and two of whom shall be appointed by the governor from a list of names submitted by the mayor. Of the appointments made by the governor, one shall be a public member for a term ending on the thirty-first day of December of the third year in which this title shall have become a law and one shall be a public member for a term ending on the thirty-first day of December of the fourth year in which this title shall have become a law. The first members appointed by the mayor shall be appointed for the following terms of office: one for a term ending on December thirty-first of the second year following the year in which this title shall have become a law, two for a term ending on December thirty-first of the third year following the year in which this title shall have become a law, and two for a term ending on December thirty-first of the fourth year following the year in which this title shall have become a law. Subsequent appointments of members shall be made for a term of three years ending in each case on December thirty-first of the last year of such term. Any member appointed by the mayor or the governor who is not an employee of the city of Albany shall be deemed a public member. All members shall continue to hold office until their successors are appointed and qualify. Vacancies shall be filled in the manner provided for original appointments. Vacancies, occurring otherwise than by expiration of term of office, shall be filled by appointment for the unexpired terms. Members may be removed from office for the same reasons and in the same manner as may be provided by law for the removal of officers of the city. Each public member shall be entitled to a salary of five thousand dollars per annum. No member shall receive any reimbursement for the ordinary expenses of attending meetings, but may by resolution of the authority be allowed their expenses of a special or extraordinary nature. The powers of the authority shall be vested in and be exercised by the governing body at a meeting duly called and held where a quorum of four members are present. No action shall be taken except pursuant to the favorable vote of at least three members. The governing body may delegate to one or more of its members, officers, agents or employees such powers and duties as it may deem proper.

3. The officers of the authority shall consist of a chairman, a vice-chairman and a treasurer, who shall be members of the authority, and a secretary, who need not be a member of the authority. Such officers shall be appointed by the governing body and shall serve in such capacities at the pleasure of the governing body. In addition to the secretary, the governing body may appoint and at pleasure remove such additional officers and employees as it may determine necessary for the performance of the powers and duties of the authority, and fix and determine their qualifications, duties and compensation, subject to the provisions of the civil service law. The governing body may also from time to time contract for expert professional services. The treasurer shall execute a bond, conditioned upon the faithful performance of the duties of his office, the amount and sufficiency of which shall be approved by the governing body and the premium therefor shall be paid by the authority.

4. Notwithstanding any inconsistent provision of any general, special or local law, ordinance, resolution or charter, no officer, member or employee of the state, the city, any other municipality, or any public benefit corporation, shall be deemed to have forfeited or shall forfeit his or her office or employment or any benefits provided under the retirement and social security law by reason of his or her acceptance of appointment as a member, officer, agent or employee of the authority, nor shall service as such member, officer, agent or employee be deemed incompatible or in conflict with such office, membership or employment.

5. (a) The mayor shall file on or before March thirty-first of the year following the year in which this title shall have become a law, in the office of the secretary of state, a certificate signed by the mayor setting forth: (1) the name of the authority; (2) the names of the members appointed by the mayor and their terms of office; and (3) the effective date of this title. If such certificate is not filed with the secretary of state on or before such date, then the corporate existence of the authority shall thereupon terminate and it shall thereupon be deemed to be and shall be dissolved.

(b) The authority and its corporate existence shall continue until terminated by law, provided, however, that no such law shall take effect so long as the authority shall have bonds or other obligations outstanding unless adequate provision has been made for the payment or satisfaction thereof. Upon termination of the existence of the authority, all of the rights and properties of the authority then remaining shall pass to and vest in the city unless otherwise provided in an agreement between the city and the authority, and except as otherwise may be specified in such law.

6. It is hereby determined and declared that the authority and the carrying out of its powers and duties are in all respects for the benefit of the people of the city and the state for the improvement of their health, welfare and prosperity and that such purposes are public purposes and that the authority is and will be performing an essential governmental function in the exercise of the powers conferred upon it by this title.

7. Nothing in this title shall be construed to obligate the state in any way in connection with the operations or obligations of the authority.

Credits

(Added L.1986, c. 868, § 2. Amended [L.1987, c. 403, § 1.](#))

McKinney's Public Authorities Law § 1115-b, NY PUB AUTH § 1115-b

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-c

§ 1115-c. General powers of the authority

Currentness

The authority shall have the 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 or other obligations and to provide for the rights of the holders thereof;
4. To enter into contracts and to execute all instruments necessary or convenient or desirable for the purposes of the authority to carry out any powers expressly given it in this title;
5. To enter into agreements with the water board and the city for the financing by the authority of projects as herein provided;
6. To acquire, by purchase, gift, grant, transfer, contract or lease or by condemnation pursuant to the eminent domain procedure law, lease as lessee, hold, and use any real or personal property or any interest therein, as the authority may deem necessary, convenient or desirable to carry out the purpose of this title, provided, however, the authority may not condemn real property of the city, or of any municipal corporation or district corporation, as such terms are defined in [section sixty-six of the general construction law](#), without the consent of the city, or any such municipal corporation or district corporation, as the case may be; and, provided, further however, that the authority may not exercise the power of eminent domain with respect to real property outside the city which is owned by any individual, partnership, corporation (other than a municipal corporation or district corporation), association, trust, or legal entity without the consent of: (a) the governing body of a city, other than the city of Albany, if such real property is wholly located within such city, or (b) the town board if such real property is wholly located within such town, or (c) the governing body of a city, other than the city of Albany, and the town board if such real property is partly located within such city and partly located within such town; and to sell, lease as lessor, transfer and dispose of any property or interest therein at any time required by it in the exercise of its powers;
7. To make and amend by-laws for its organization and internal management, and rules and regulations governing the exercise of its powers and the fulfillment of its purposes under this title. A copy of such rules, regulations and by-laws, and all amendments thereto, duly certified by the secretary of the authority shall be filed in the office of the clerk of the city;

8. To apply to the appropriate agencies and officials of the federal, state and local governments for such licenses, permits or approvals of its plans or projects as it may deem necessary or advisable, and upon such terms and conditions as it may deem appropriate, and to accept, in its discretion, such licenses, permits or approvals as may be tendered to it by such agencies and officials;

9. To appoint such officers and employees as are required for the performance of its duties, and to fix and determine their qualifications, duties and compensation subject to provisions of the civil service law and the rules of the civil service commission of the city, and to retain or employ counsel, auditors, engineers and private consultants on a contract basis or otherwise for rendering professional or technical services and advice;

10. To make plans and studies necessary, convenient or desirable for the effectuation of the purposes and powers of the authority and to prepare recommendations in regard thereto;

11. To make use of existing studies, surveys, plans, data and other material in the possession of any state agency, any municipality or the water board in order to avoid duplication of effort;

12. To enter upon such lands, waters or premises as in the judgment of the authority shall be necessary for the purpose of making surveys, soundings, borings and examinations to accomplish any purpose authorized by this title, the authority being liable only for actual damage done;

13. To apply for and to accept any gifts or grants or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality thereof, or from the state or any agency or instrumentality thereof or from any other source, for any or all of the purposes specified in this title, and to comply, subject to the provisions of this title, with the terms and conditions thereof; and

14. To do all things necessary, convenient or desirable to carry out its purposes and for the exercise of the powers granted in this title; provided that the authority shall not have power, within the city, to collect rentals, charges, rates or fees from the owners of real property, or the occupants of real property (other than the occupants of premises owned or controlled by the authority), for services or facilities furnished or supplied in connection with such real property, if such services or facilities are of a character or nature then or formerly furnished or supplied by the city.

Credits

(Added L.1986, c. 868, § 2. Amended [L.1987, c. 403, § 1.](#))

McKinney's Public Authorities Law § 1115-c, NY PUB AUTH § 1115-c

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-d

§ 1115-d. Approval of projects

[Currentness](#)

The authority shall not enter into any contract or agreement with the city or the water board with respect to the financing of any project pursuant to [section one thousand one hundred fifteen-h](#) of this title, unless the state commissioner of environmental conservation and the state commissioner of health shall have completed all statutory reviews and approvals with respect to such project which, as of the date of such contract or agreement, are required by law. Nothing herein shall be construed to diminish the full authority and responsibility of each department of the state for statutory reviews and approvals.

Credits

(Added L.1986, c. 868, § 2. Amended [L.1987, c. 403, § 1.](#))

McKinney's Public Authorities Law § 1115-d, NY PUB AUTH § 1115-d

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-e

§ 1115-e. Water board

Currentness

1. A city water board may be created by a special act of the state legislature at the request of the city as a body corporate and politic, constituting a corporate municipal instrumentality of the state and having the powers and duties as provided in this title.

2. The water board shall consist of five members, who shall be residents of the city and appointed by the mayor. The first members appointed by the mayor shall be appointed for the following terms of office: one for a term ending on December thirty-first of the second year following the year in which the special act of the state legislature creating the water board shall have become law, two for a term ending on December thirty-first of the third year following the year in which such special act shall have become law, and two for a term ending on December thirty-first of the fourth year following the year in which such special act shall have become law. Subsequent appointments of members shall be made for a term of three years ending in each case on December thirty-first of the last year of such term. No member shall be a member of the governing body of the authority. Any member appointed by the mayor who is not an employee of the city of Albany shall be deemed a public member. All members shall continue to hold office until their successors are appointed and qualified. Vacancies shall be filled in the manner provided for original appointments. Vacancies, occurring otherwise than by expiration of term of office, shall be filled by appointment for the unexpired terms. Members may be removed from office for the same reasons and in the same manner as may be provided by law for the removal of officers of the city. Each public member shall be entitled to a salary of five thousand dollars per annum. All members shall receive no reimbursement for the ordinary expenses of attending meetings, but may by resolution of the water board be allowed their expenses of a special or extraordinary nature. A public member may receive additional compensation to be fixed by the members, if appointed an officer of the water board. The powers of the water board shall be vested in and be exercised by the governing body at a meeting duly called and held where a quorum of three members is present. No action shall be taken except pursuant to the favorable vote of at least three members. The governing body may delegate to one or more of its members, officers, agents or employees such powers and duties as it may deem proper.

3. The officers of the water board shall consist of a chairman, a vice-chairman and a treasurer, who shall be members of the water board, and a secretary, who need not be a member of the water board. Such officers shall be appointed by the governing body and shall serve in such capacities at the pleasure of the governing body. In addition to the secretary, the governing body may appoint and at pleasure remove such additional officers and employees as it may determine necessary for the performance of the powers and duties of the authority, and fix and determine their qualifications, duties and compensation, subject to the provisions of the civil service law. The governing body may also from time to time contract for expert professional services. The treasurer shall execute a bond, conditioned upon the faithful performance of the duties of his or her office, the amount and sufficiency of which shall be approved by the governing body and the premium therefor shall be paid by the water board.

4. Notwithstanding any inconsistent provision of any general, special or local law, ordinance, resolution or charter, no officer, member or employee of the state, the city, any other municipality, or any public benefit corporation, shall be deemed to have

forfeited or shall forfeit his or her office or employment or any benefits provided under the retirement and social security law by reason of his or her acceptance of appointment as a member, officer, agent or employee of the water board, nor shall service as such member, officer, agent or employee be deemed incompatible or in conflict with such office, membership or employment.

5. (a) The mayor shall file on or before March thirty-first of the year following the year in which the special act of the state legislature creating the water board shall have become law, in the office of the secretary of state, a certificate signed by the mayor setting forth: (1) the name of the water board; (2) the names of the members appointed by the mayor and their terms of office; and (3) the effective date of the special act of the state legislature creating the water board. If such certificate is not filed with the secretary of state on or before such date, then the corporate existence of the water board shall thereupon terminate and it shall thereupon be deemed to be and shall be dissolved.

(b) The water board and its corporate existence shall continue until terminated by law, provided, however, that no such law shall take effect so long as the water board shall have contractual duties or obligations outstanding unless adequate provision has been made for the satisfaction thereof. Upon termination of the existence of the water board, all of the rights and properties of the water board then remaining shall pass to and vest in the city.

6. It is hereby determined and declared that the water board and the carrying out of its powers and duties are in all respects for the benefit of the people of the city and the state for the improvement of their health, welfare and prosperity and that such purposes are public purposes and that the water board is and will be performing an essential governmental function in the exercise of the powers conferred upon it by this title.

Credits

(Added L.1986, c. 868, § 2. Amended [L.1987, c. 403, § 1.](#))

McKinney's Public Authorities Law § 1115-e, NY PUB AUTH § 1115-e

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-f

§ 1115-f. General powers of the water board

Currentness

Except as otherwise limited by this title, the water board shall have power:

1. To sue and be sued;
2. To have a seal and alter the same at pleasure;
3. To enter into contracts and to execute all instruments necessary or convenient or desirable for the purposes of the water board to carry out any powers expressly given it in this title, provided nothing herein contained shall authorize the water board to borrow money or otherwise contract indebtedness;
4. To enter into agreements pursuant to [sections one thousand one hundred fifteen-g](#) and [one thousand one hundred fifteen-h](#) of this title with the authority and the city to provide a means whereby the authority shall finance the cost of constructing projects, as described in the agreement, and the water board may agree to assume title to the water or sewerage system, or both, and to raise revenues from users through fees, rates, rents or other service charges necessary or appropriate to secure such financing and to pay the cost of the operation, management and repair of such water or sewerage system;
5. To acquire, by purchase, gift, grant, transfer, contract or lease or by condemnation pursuant to the eminent domain procedure law, lease as lessee, hold and use any property, real, personal or mixed or any interest therein, as the water board may deem necessary, convenient or desirable to carry out the purposes of this title; provided, however, that the water board may not condemn real property of the city, or of any municipal corporation or district corporation, as such terms are defined in [section sixty-six of the general construction law](#), without the consent of the city, or any such municipal corporation or district corporation, as the case may be and, provided, further however, that the water board may not exercise the power of eminent domain with respect to real property outside the city which is owned by any individual, partnership, corporation (other than a municipal corporation or district corporation), association, trust, or legal entity without the consent of: (a) the governing body of a city, other than the city of Albany, if such real property is wholly located within such city, or (b) the town board if such real property is wholly located within such town, or (c) the governing body of a city, other than the city of Albany, and the town board if such real property is partly located within such city and partly located within such town; and, subject to any limitations in any agreement with the city entered into pursuant to [section one thousand one hundred fifteen-g](#) or [section one thousand one hundred fifteen-h](#) of this title, to sell, lease as lessor, transfer or otherwise dispose of any such property or interest therein;

6. To acquire from the city title to the sewerage system, water system, or both the sewerage and water systems, as the case may be, of such city;
7. To make and amend by-laws for its organization and internal management, and rules and regulations for the sale of water or collection of sewage and the collection of rents and charges therefor and otherwise governing the exercise of its powers and duties and the fulfillment of its purposes under this title. A copy of such rules, regulations and by-laws, and all amendments thereto, duly certified by the secretary of the water board shall be filed in the office of the clerk of the city. In addition to the civil penalties described in [section one thousand one hundred fifteen-g](#) of this title, the common council, upon the written request of the water board, shall have power to prescribe that violation of specific by-laws, rules or regulations of the water board, published once in a newspaper having a general circulation in the city, shall be punishable by a fine, not exceeding fifty dollars, or by imprisonment for not longer than thirty days, or both;
8. To establish, fix, revise, charge and collect and enforce the payment of all fees, rates, rents and other service charges for the use of, or services rendered by, or any commodities furnished by the water system or the sewerage system, so as to provide revenues which, together with other revenues available to the water board, if any, shall be at least sufficient at all times so that such system or systems shall be placed on a self-sustaining basis in accordance with [section one thousand one hundred fifteen-i](#) of this title;
9. To pledge its revenues and mortgage any or all of its properties to secure the obligations of the authority;
10. To construct, improve, maintain, develop, expand or rehabilitate water facilities or sewerage facilities;
11. To operate and manage and to contract for the operation and management of properties of the water board;
12. To enter into contracts, and carry out the terms thereof, for the wholesale provision of water produced by supply facilities constructed and operated by the water board, to municipalities and private water companies and to carry out the terms thereof, for the transmission of water from new or existing supply facilities;
13. To enter into contracts with municipalities for the collection, treatment and disposal of sewage;
14. To apply to the appropriate agencies and officials of the federal, state and local governments for such licenses, permits or approvals of its plans or projects as it may deem necessary or advisable, and upon such terms and conditions as it may deem appropriate, and to accept, in its discretion, such licenses, permits or approvals as may be tendered to it by such agencies and officials;
15. To appoint such officers and employees as it may require for the performance of its duties, and to fix and determine their qualifications, duties, and compensation, subject to the provisions of the civil service law and the rules of the civil service commission of the city, and to retain or employ counsel, auditors, engineers and private consultants on a contract basis or otherwise for rendering professional or technical services and advice;
16. To make plans and studies necessary, convenient or desirable for the effectuation of the purposes and powers of the water board and to prepare recommendations in regard thereto;

17. To make use of existing studies, surveys, plans, data and other material in the possession of any state agency, any municipality or the authority in order to avoid duplication of effort;
18. To enter upon such lands, waters or premises as in the judgment of the water board shall be necessary for the purpose of making surveys, soundings, borings and examinations to accomplish any purpose authorized by this title, the water board being liable only for actual damage done;
19. To apply for and to accept any gifts or grants or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality thereof, or from the state or any agency or instrumentality thereof or from any other source, for any or all of the purposes specified in this title, and to comply, subject to the provisions of this title, with the terms and conditions thereof;
20. To supply and sell water for domestic, commercial and public purposes at retail to individual consumers within the city and to collect, treat and discharge sewage produced for such purposes by such generators;
21. To purchase water in bulk from any person, private corporation or municipality when necessary or convenient for the operation of the water system;
22. To produce, develop, distribute and sell water or sewerage services within or without the territorial limits of the city; and to purchase water from any municipal corporation, town water district, person, association or corporation; provided, however, that water and sewerage services may be sold at retail to individual consumers only within the city and further provided that in exercising the powers granted by this title, the water board shall not sell water or sewerage services in any area which is served by a water system or sewerage system owned or operated by a municipality or special improvement district unless the governing body of such municipality or district shall adopt a resolution requesting the water board to sell water or sewerage services, as the case may be, in such served areas;
23. To enter into cooperative agreements with the authority, other authorities, the city, other municipalities, counties, towns, villages, water districts, utility companies, individuals, firms or corporations, within or without the territorial limits of the city, for the interconnection of facilities, the exchange or interchange of services and commodities, and within the territorial limits of the city to enter into a contract for the construction and operation and maintenance of a water or sewerage system by the water board for any municipality having power to construct and develop a water or sewerage system, upon such terms and conditions as shall be determined to be reasonable including but not limited to the reimbursement of all costs of such construction, or for any other lawful purposes necessary or desirable to effect the purposes of this title;
24. To enter into agreements with the authority and the city, as herein provided;
25. To invest moneys not required for immediate use or disbursement, subject to such restrictions as may be imposed by any agreement with the authority, in such obligations or deposits with such banks or trust companies as it may determine and designate, provided that any such deposit with a bank or trust company shall be continuously and fully secured by direct obligations of the city, the state or the United States of America, or obligations, the principal of and interest on which are guaranteed by the state or the United States of America, of a market value equal at all times to the amount of the deposit;

26. To establish and maintain such reserves, special funds and accounts, to be held in trust or otherwise, as may be required by any agreement with the authority and the city; and

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

Credits

(Added L.1986, c. 868, § 2. Amended [L.1987, c. 403, § 1.](#))

McKinney's Public Authorities Law § 1115-f, NY PUB AUTH § 1115-f

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-g

§ 1115-g. Transfer of sewerage or water systems by the city to the water board

Currentness

1. The city may, by resolution of the common council of the city, enter into an agreement with the water board for the transfer to the water board, for use in the exercise of its corporate powers and purposes, of the sewerage system or water system, or both, of the city as the same then shall be owned by the city. Any such agreement may provide for the transfer of title of such system or systems by deed, lease or other arrangement to the water board. To the extent not inconsistent with this title, any such agreement may impose such limitations or conditions as may be agreed upon by and between the city and the water board with respect to the power of the water board to sell or otherwise dispose of any property acquired by the water board pursuant to such agreement, and may provide for or authorize the water board to surrender to the city property no longer required by the water board for its public purposes. Notwithstanding the provisions of any general, special or local law or charter to the contrary, any action taken by the city pursuant to this subdivision shall not be subject to a permissive or mandatory referendum.
2. Any such agreement shall set forth the liabilities of the city which it is contemplated are to be paid by the water board from moneys available to it; provided, however, that such agreement does not require the water board to assume the liabilities of the city; provided further, notwithstanding the foregoing, any real property owned by the city outside its municipal boundaries for the purposes of the water system including all water facilities which are subject to real property taxation under city ownership shall remain subject to real property taxation as provided in [section one thousand one hundred fifteen-j](#) of this title upon transfer and conveyance to the water board as if the city remained the record owner of such water system and water facilities.
3. Any such agreement may provide for the payment by the city to the water board from any funds of the city, of such amount as may be determined appropriate for use by the water board.
4. The city and the water board are hereby authorized and empowered to make or enter into any contracts, agreements, deeds, leases, conveyances or other instruments as may be necessary or appropriate to effectuate the purposes of this title, and they shall have power and authority to do so and to authorize the doing of all things incidental, desirable or necessary to implement the provisions of this title.
5. Notwithstanding the foregoing provisions of this section, no agreement contemplated by this section shall become effective for any purpose unless and until the same shall have been approved in writing by resolution of the authority.
6. Upon the filing by the water board with the clerk of the city and the secretary of state of a copy of the instruments or documents effectuating the transfer authorized by this section, the water board shall take possession of the sewerage system or water system, or both, of the city thereby transferred.

7. Any application filed or proceeding heretofore commenced in relation to the sewerage system or water system, or both, transferred to the water board pending with the state departments of environmental conservation or health or any other state agency or with the United States environmental protection agency or any other federal agency or instrumentality shall inure to and for the benefit of the water board and be binding upon the water board to the same extent and in the same manner as if the water board had been a party to such application or proceeding from its inception, and the water board shall be deemed a party thereto to the extent not prohibited by any federal law. Any license, approval, permit or decision heretofore or hereafter issued or granted pursuant to or as a result of any such application or proceeding shall inure to the benefit of and be binding upon the water board and shall be assigned and transferred by the city to the water board unless such assignment and transfer is prohibited by federal law.

8. The rules and regulations of the water board may provide for the discontinuance or disconnection of the supply of water or the provision of sewerage service, or both, as the case may be, by the city or the water board for non-payment of fees, rates, rents or other charges therefor imposed by the water board, provided such discontinuance or disconnection of any supply of water or the provision of sewerage service, or both, as the case may be, shall not be carried out except in the manner and upon the notice as is required of a waterworks corporation pursuant to [subdivisions three-a, three-b and three-c of section eighty-nine-b](#) and [section one hundred sixteen of the public service law](#). A copy of all by-laws, rules and regulations and amendments thereto, duly certified by the secretary of the water board, shall be filed in the offices of the clerk of the city and the secretary of state within ninety days and thereafter published once in the official newspaper of the city. Violation of such rules and regulations shall subject the offending party to a civil penalty in an action brought by the water board, not exceeding one hundred dollars for each day the violation continues. Jurisdiction is hereby conferred upon the city court of the city to hear and determine, subject to the provisions of the civil practice law and rules, any violation of such rules and regulations.

Credits

(Added L.1986, c. 868, § 2. Amended [L.1987, c. 403, § 2.](#))

McKinney's Public Authorities Law § 1115-g, NY PUB AUTH § 1115-g

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-h

§ 1115-h. Agreement among the water board, the city and the authority for the provision of projects

Currentness

1. The authority, the water board and the city, acting by resolution of the common council of the city, may enter into agreements for the purpose of providing for the construction and financing of a project.
2. Any such agreements (i) shall describe in sufficient detail for reasonable identification the particular project to be financed in whole or in part by the authority, (ii) shall describe the plan for the financing of the cost of the construction of such project, including the amount, if any, to be provided by the water board and the source or sources thereof, (iii) shall set forth the method by which and by whom and the terms and conditions upon which moneys provided by the authority shall be disbursed, (iv) may require, in the discretion of the authority, the payment to the authority of the proceeds of any state and federal grants available to the water board, (v) shall provide for the establishment of user fees, rates, rents and other charges and the charging and collection thereof by the water board for the use of, or services furnished, rendered or made available by such system such as to provide that the water board receive revenues at least sufficient, together with other revenues of the water board, if any, to meet the requirements of [subdivision one of section one thousand one hundred fifteen-i](#) of this title, provided that revenues received by the water board shall be deposited in a special fund established pursuant to this title and disbursed to, and upon certification of, the authority, (vi) may provide for the transfer by the city to the water board pursuant to [section one thousand one hundred fifteen-g](#) of this title of ownership of the water system or sewerage system, or both as the case may be, of which such project will form a part, (vii) may provide for the construction and completion of such project by the city or the water board and for the operation, maintenance and repair thereof as an integrated part of the system of which such project forms a part, subject to such terms and conditions, not inconsistent with this title, which may be in the public interest and necessary or desirable properly and adequately to secure the holders of bonds of the authority, (viii) shall provide for the discontinuance or disconnection of the supply of water or the provision of sewerage service, or both, as the case may be, for non-payment of fees, rates, rents or other charges therefor imposed by the water board, provided such discontinuance or disconnection of any supply of water or the provision of sewerage service, or both, as the case may be, shall not be carried out except in the manner and upon the notice as is required of a waterworks corporation pursuant to [subdivisions three-a, three-b and three-c of section eighty-nine-b](#) and [section one hundred sixteen of the public service law](#), and (ix) in the discretion of the authority, require reports concerning the project from the water board to the authority and the city.
3. If the city executes an agreement pursuant to this section, relating to the financing of projects by revenue bonds, it shall have and shall be deemed to have annulled its power to levy user fees, rents and other charges on participating properties or customers for the cost of financing, operating and maintaining such projects under its jurisdiction until all bonds of the authority shall have been paid or discharged in accordance with the agreement and the resolution of the authority authorizing such bonds. If the city has outstanding general obligation bonds issued for acquiring or constructing water or sewerage facilities, whether the bonds are payable from revenues, special assessments, or taxes, it may authorize the authority pursuant to the agreement to issue its revenue bonds under this title for the purpose of retiring the outstanding bonds.

4. No such agreement shall be executed until the city and water board shall have held a public hearing at which users of the water system or sewerage system, or both, as the case may be, shall have had opportunity to be heard concerning the proposed provisions thereof. Notice of such hearing shall be published at least thirty days in advance in the official newspaper or newspapers of the city.

5. Such agreement shall be effective upon the issuance by the authority of bonds to finance the cost of constructing projects of the city or the water board.

6. Any such agreement may be amended, revised or extended by supplemental agreements authorized and executed in the same manner as the original agreement, provided that any such supplemental agreement shall not be inconsistent with the provisions of this title.

7. (a) Following the execution of the agreement by and between the authority, the water board and the city pursuant to this section, the clerk of the city shall publish a notice in substantially the following form: "Notice is hereby given that the city of Albany has on the ____ day of ____ entered into an agreement with the Albany municipal water finance authority in relation to the construction and financing of (here insert a brief description of the sewerage or water facility or facilities to which such agreement relates) pursuant to the Albany municipal water finance authority act for the purpose of placing its sewerage or water system or water and sewerage system, as the case may be, on an independent basis, imposing fees and rents on sewerage or water system users, or both, which, together with other revenues available for such purposes, if any, are sufficient to pay to the authority debt service on bonds issued by the authority pursuant to the agreement and for operation and maintenance of the facility (title to which is transferred to the water board pursuant to the agreement). Such agreement in general terms provides (here insert a brief summary of the substantive provisions of such agreement). A copy of the complete agreement is on file for public inspection in the office of the clerk of the city where the same may be examined by any interested person during regular business hours. The validity of this agreement may be hereafter contested only upon the ground or grounds that (i) such agreement violates, or the performance of any provision thereof by any party thereto would violate, the provisions of any law or the state constitution or (ii) the provisions of law which should have been complied with in relation to the authorization and execution thereof were not substantially complied with, and in any event an action, suit or proceeding is commenced within sixty days after the date of this notice.

clerk of the city of Albany ¹

(b) The publication authorized by this subdivision shall be in the official newspaper or newspapers of the city.

(c) After the expiration of the sixty day period set forth in such notice, the validity of such agreement shall be conclusively presumed and the validity thereof shall not thereafter be questioned by either a party plaintiff or a party defendant and no court shall have jurisdiction in any action, suit or proceeding contesting such validity.

(d) Neither any error or omission in the notice of publication provided for in this subdivision shall affect or impair the validity of an agreement executed pursuant to this section so long as the notice substantially conforms to the provisions of this section.

Credits

(Added L.1986, c. 868, § 2.)

Footnotes

¹ So in original. Closing quotation marks probably should be inserted.

McKinney's Public Authorities Law § 1115-h, NY PUB AUTH § 1115-h

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-i

§ 1115-i. Imposition and disposition of fees, rates, rents or charges

Currentness

1. The water board shall establish, fix and revise, from time to time, fees, rates, rents or other charges for the use of, or services furnished, rendered or made available by, the water system or sewerage system, or both, as the case may be, owned by the water board pursuant to this title in such amount at least sufficient at all times so as to provide funds in an amount sufficient, together with other revenues available to the board, if any, (i) to pay to the authority, in accordance with any agreement with the authority, an amount sufficient for the purpose of paying the principal of and the interest on the outstanding bonds of the authority as the same shall become due and payable and maintaining or funding a capital or debt service reserve fund therefor and, to the extent requested by the city in, or annually pursuant to, any agreement, to pay to the city, in accordance with any agreement, an amount sufficient for the purpose of paying the principal of and interest on general obligation bonds of the city issued for or allocable to the water system or sewerage system, or both, as the case may be, as the same shall become due and payable, and to maintain or fund reserves therefor, (ii) to pay to the city, in accordance with any agreement, an amount sufficient for the purpose of paying the costs of administering, maintaining, repairing and operating and the cost of constructing capital improvements to the water system or sewerage system, or both, as the case may be, (iii) to pay to the city in accordance with any agreement entered into pursuant to [section eleven hundred fifteen-h](#) of this title an amount sufficient for the purpose of paying liabilities issued for or allocable to the water system or sewerage system, or both, as the same shall become due and payable, (iv) to meet any requirements of any agreement including requirements relating to the establishment of reserves for renewal and replacement and for uncollected charges and covenants respecting rates, (v) to pay all other reasonable and necessary expenses of the authority and the water board in relation thereto, and (vi) to the extent requested by the city in or pursuant to any agreement to pay or provide for such other purposes or projects as such city considers appropriate and in the public interest. Any surplus of funds remaining in the water board after such payments have been made shall be returned to the city for deposit in the general fund.

2. There is hereby established in the custody of the water board a special fund to be known as the local water fund. Such fund shall consist of the revenues derived from the fees, rates, rents and service charges established, charged and collected pursuant to this title and any other income earned or moneys received by the water board. Revenues in the local water fund shall be kept separate and shall not be commingled with any other moneys in the custody of the water board. All moneys, properties and assets acquired by the water board, whether as revenues or otherwise, shall be held by it in trust for the purposes of carrying out its powers and duties, and shall be used and reused in accordance with the purposes and provisions of this article.

3. The water board shall deposit promptly, to the credit of the local water fund, revenues collected under this article in a bank, banking house or trust company as may be designated in or pursuant to the agreements.

4. No such fee, rate, rent or other charge shall be established, fixed or revised unless and until the water board has held a public hearing at which the users of the water system or sewerage system, or both, as the case may be, the owners of property served or to be served and other interested persons, have had an opportunity to be heard concerning the same. Notice of such public

hearing shall be published by the water board at least twenty days before the date set therefor in at least one newspaper of general circulation in the city. Such notice shall set forth the date, time and place of such hearing and shall include a brief description of the matters to be considered at such hearing. A copy of the notice shall be filed in the office of the clerk of the city and shall be available for inspection by the public. At all such hearings, any users of the water system or sewerage system, or both, as the case may be, owners of property served or to be served and any other interested persons shall have an opportunity to be heard concerning the matters under consideration. Any decision of the water board on matters considered at such public hearing shall be in writing and be made available in the office of the water board for public inspection during regular office hours. Such decision shall be published in at least one newspaper of general circulation in the city within thirty days after such decision is made. The fees, rates, rents or other charges so established for any class of users of property served shall be extended to cover any additional premises thereafter served which are within the same class, without the necessity of a hearing thereon.

5. The fees, rates, rents or other charges established, fixed and revised from time to time by the water board shall be collected by the water board at such times and in such manner as may be determined by the rules and regulations adopted by the water board consistent with the provisions of this title.

6. Such fees, rates, rents or other charges, if not paid when due, shall constitute a lien upon the premises served and a charge against the owners thereof, which lien and charge shall bear interest at the same rate as would unpaid taxes of the city. Such lien shall take precedence over all other liens or encumbrances, except taxes, and may be foreclosed against the lot or building served in the same manner as a lien for such taxes. The amount which remains due and unpaid for sixty days may, with interest thereon at the same rate as unpaid city taxes and with reasonable attorneys' fees, be recovered by the water board in a civil action in the name of the water board against such owners. The city and any state agency shall be subject to the same fees, rates, rents or other charges under the same conditions as other users of such water system or sewerage system, or both, as the case may be. Any agreement for the supply of water services or sewerage services between the city or an agency thereof and any other municipality or water supply system, or any administrative determination by a state agency, or any other arrangement in this regard, in effect at the time the water board shall be established, shall remain in full force and effect and be binding upon the water board as if it were a party to such agreement, determination or other arrangement. All rights, powers, duties, obligations and functions provided by law with respect to the fixing of charges or rates for the supply of water or sewerage services to users outside the city, including but not limited to those set forth in the environmental conservation law, shall be deemed to apply, as appropriate, to the water board established pursuant to this title. In addition to any other lawful enforcement methods and pursuant to rules and regulations of the water board promulgated pursuant to this title, the payment of fees, rates, rents or other charges for water service or sewerage service to any premises may be enforced by discontinuing the water service or sewerage service to such premises provided that such discontinuance or disconnection of any supply of water or the provision of sewerage service, or both, as the case may be, shall not be carried out except in the manner and upon the notice as is required of a water-works corporation pursuant to [subdivisions three-a, three-b and three-c of section eighty-nine-b](#) and [section one hundred sixteen of the public service law](#).

7. The water board shall pay to the authority such amounts at such times and in such manner as may be provided in the agreement by and among the authority, the water board and the city consistent with the priorities set forth in such agreement. There is hereby created a lien, by this title made a statutory lien within the meaning of the uniform commercial code and any other state or federal law, upon the gross revenues of the water board, in favor of the payment of all amounts due pursuant to such agreement and in the order and priority set forth therein and which lien shall be a first lien upon such gross revenues. The gross revenues so subject to such statutory lien shall be and remain subject to such statutory lien until the payment in full of each such item in accordance with such priority. Said statutory lien shall not be construed to give any holder or owner of any bond of the authority power to compel the sale of any water system or sewerage system, as the case may be.

8. If there be any default by the water board, in the making of the payments to the authority required under this section, as a result of the failure by the water board to impose sufficient fees, rates, rents or other charges, the authority may petition for the appointment by any court having jurisdiction in any proper action of a receiver to administer on behalf of the water board, under the direction of said court, the affairs of the water board in order to achieve system revenues at least sufficient to make such payments; and by and with the approval of said court, to establish, fix and revise, from time to time, fees, rates, rents or other charges at least sufficient therefor in conformity with this title, and the resolution or trust indenture of the authority providing for the issuance of its bonds and in accordance with such orders as the court shall make.

9. The water board shall prepare and transmit to the city on or before the first day of December in each year a list of those persons or property owners within such city who are in arrears in the payment of fees, rates, rents or other charges for a period of sixty days or more after the last day fixed for payment thereof without penalty. The list shall contain a brief description of the properties for which the services were provided, the names of the persons liable to pay for the same and the amounts chargeable to each, including penalties and interest computed to the next succeeding December thirty-first. The city shall levy such sums against the properties liable and shall state the amount thereof in a separate column in the annual tax rolls of such city under the name of “delinquent water charges” or “delinquent sewerage charges” or “delinquent water and sewerage charges” as may be appropriate and as may be directed by the water board. Such amounts, as and when collected by the city, shall be paid over to the water board. All of the provisions of the tax laws of the state covering the enforcement and collection of unpaid taxes of the city shall apply to the collection of such unpaid fees, rates, rents or other charges.

10. Neither the public service commission, nor any city or state agency, shall have any jurisdiction over the water board or the authority or any power over the regulation of the fees, rates, rents or other charges established, fixed or revised by the water board except as provided by law with respect to the supply of water or sewerage services to users outside the city.

Credits

(Added L.1986, c. 868, § 2. Amended [L.1987, c. 403, § 3.](#))

McKinney's Public Authorities Law § 1115-i, NY PUB AUTH § 1115-i

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-j

§ 1115-j. Tax exemption of the water board property and activities

Currentness

1. It is hereby determined that the creation of a water board and the carrying out of its corporate purposes is in all respects for the benefit of the city and is a public purpose and the water board shall be regarded as performing a governmental function in the exercise of the powers conferred upon it by this title and shall not be required to pay any taxes, special ad valorem levies or special assessments upon any real property owned by it, or any filing, recording or transfer fees or taxes in relation to instruments filed, recorded or transferred by it or on its behalf. The water board shall be deemed a public authority for the purposes of [section four hundred twelve of the real property tax law](#).

2. Notwithstanding the provisions of subdivisions one and four of this section, any real property of the water board located outside the boundaries of the city, shall be exempt from the payment of taxes, special ad valorem levies and special assessments only if and to the extent that such real property would have been exempt if owned by the city.

3. Notwithstanding any provision in this section to the contrary, the water board may pay, or may enter into agreements with any municipality to pay, a sum or sums, annually or otherwise, or to provide other considerations to such municipality, with respect to real property of the water board located within such municipality and provided that any such payment or agreement to pay shall be subject to approval by the authority.

4. The water board shall not be required to pay any taxes or other governmental fees or charges, whether imposed by the state or any municipality, including without limitation franchise taxes, sales taxes or other excise taxes, or any other tax or charge upon its property or activities or upon any of its revenues or other income.

Credits

(Added L.1986, c. 868, § 2. Amended [L.1987, c. 403, § 4.](#))

McKinney's Public Authorities Law § 1115-j, NY PUB AUTH § 1115-j

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-k

§ 1115-k. Pledge effective without filing or recording

[Currentness](#)

Any provision of the uniform commercial code to the contrary notwithstanding, any pledge of or other security interest in revenues or other personal property made or created by the authority, the water board or the city pursuant to this title shall be valid, binding and perfected against all parties having claims of any kind in tort, contract or otherwise against the authority, the water board or the city, as the case may be, irrespective of whether or not such parties have notice thereof. No instrument by which such pledge or security interest is created nor any financing statement need be recorded or filed.

Credits

(Added L.1986, c. 868, § 2.)

McKinney's Public Authorities Law § 1115-k, NY PUB AUTH § 1115-k

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-l

§ 1115-l. Governmental capacity of the authority, the water board and the city

[Currentness](#)

The authority, the water board and the city in carrying out their respective powers and duties under this title, shall be deemed to be acting in a governmental capacity and in the performance of an essential governmental function.

Credits

(Added L.1986, c. 868, § 2.)

McKinney's Public Authorities Law § 1115-l, NY PUB AUTH § 1115-l

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-m

§ 1115-m. Transfer of officers and employees

[Currentness](#)

Any officer or employee of the city under civil service who is selected by the authority or the water board may, with the consent of the mayor, be transferred to the authority or the water board, as the case may be, and shall be eligible for such transfer and appointment without examination to comparable offices, positions and employment under the authority or the water board, as the case may be. The salary or compensation of any such officer or employee, after such transfer, shall be paid by the authority or the water board, as the case may be. Any such officers or employees so transferred to the authority or the water board, as the case may be, pursuant to this section, who are members of or benefit under any existing pension or retirement fund or system, shall continue to have all rights, privileges, obligations and status with respect to such fund or system as are now prescribed by law, but during the period of their employment by the authority or the water board, as the case may be, 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 or the water board, as the case may be. All such officers or employees so transferred to the authority or the water board, as the case may be, who have been appointed to positions under the rules and classifications of the personnel officer of the city shall have the same status with respect thereto after transfer to the authority or the water board, as the case may be, as they had under their original appointment.

Credits

(Added L.1986, c. 868, § 2.)

McKinney's Public Authorities Law § 1115-m, NY PUB AUTH § 1115-m

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-n

§ 1115-n. Bonds of the authority

Currentness

1. The authority shall have the power and is hereby authorized from time to time to issue bonds in conformance with applicable provisions of the uniform commercial code in such principal amounts as it may determine to be necessary to pay the cost of any project or projects, or for any other corporate purpose, including incidental expenses in connection therewith. The authority shall have power from time to time to refund any bonds by the issuance of new bonds whether the bonds to be refunded have or have not matured, and may issue bonds partly to refund bonds then outstanding and partly for any other corporate purpose. Bonds issued by the authority shall be special obligations payable solely out of particular revenues or other moneys as may be designated in the proceedings of the authority under which the bonds shall be authorized to be issued, subject to any agreements entered into between the authority and the city, and the authority, the water board and the city, and subject to any agreements with the holders of outstanding bonds pledging any particular revenues or moneys.

2. The authority is authorized to obtain from any department or agency of the United States of America or the state or any non-governmental insurer or financial institution any insurance, guaranty or other credit support device, to the extent now or hereafter available, as to, or for the payment or repayment of interest or principal, or both, or any part thereof, on any bonds issued by the authority and to enter into any agreement or contract with respect to any such insurance or guaranty, except to the extent that the same would in any way impair or interfere with the ability of the authority to perform and fulfill the terms of any agreement made with the holders of bonds or notes of the authority as may then exist.

3. Bonds shall be authorized by resolution of the authority, be in such denominations, bear such date or dates and mature at such time or times as such resolution may provide, except that bonds and any renewals thereof shall mature within forty years of the date of their original issuance and notes and any renewal thereof shall mature within five years of the date of their original issuance. Such bonds shall be subject to such terms of redemption, bear interest at such rate or rates payable at such times, be in such form, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, and be subject to such terms and conditions as such resolution may provide. Bonds may be sold at public or private sale for such price or prices as the authority shall determine provided that no issue of bonds may be sold by the authority at private sale unless such sale and the terms thereof have been approved in writing by (i) the comptroller, where such sale is not to such comptroller, or (ii) by the state director of the budget, where such sale is to be to the comptroller.

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

(a) pledging all or part of its revenues, together with any other moneys, securities, contracts or property, to secure the payment of the bonds, subject to such agreements with holders of bonds or notes of the authority as may then exist;

- (b) the setting aside of reserves and the creation of sinking funds and the regulation and disposition thereof;
- (c) limitations on the purpose to which the proceeds from the sale of bonds may be applied;
- (d) limitations on the right of the authority to restrict and regulate the use of the project or part thereof in connection with which bonds are issued;
- (e) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding or other bonds;
- (f) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, including the proportion of bondholders which must consent thereto, and the manner in which such consent may be given;
- (g) the creation of special funds into which any revenues or moneys may be deposited;
- (h) the terms and provisions of any trust, deed, mortgage or indenture securing the bonds under which the bonds may be issued;
- (i) vesting in a trustee or trustees such properties, rights, powers and duties in trust as the authority may determine which may include any or all of the rights, powers and duties of the trustee appointed by the bondholders pursuant to [section one thousand one hundred fifteen-o](#) of this title and limiting or abrogating the rights of the bondholders to appoint a trustee under such section or limiting the rights, duties and powers of such trustee;
- (j) defining the acts or omissions to act which may constitute a default in the obligations and duties of the authority to the bondholders and providing for the rights and remedies of the bondholders in the event of such default, including as a matter of right the appointment of a receiver, provided, however, that such rights and remedies shall not be inconsistent with the general laws of the state and other provisions of this title;
- (k) limitations on the amount of revenues and other moneys to be expended for operating, administrative or other expenses of the authority;
- (l) the payment of the proceeds of bonds, revenues and other moneys to a trustee or other depository, and for the method of disbursement thereof with such safeguards and restrictions as the authority may determine; and
- (m) any other matters of like or different character which may in any way affect the security or protection of the bonds or the rights and remedies of bondholders.

5. In addition to the powers herein conferred upon the authority to secure its bonds, the authority shall have power in connection with the issuance of bonds to enter into such agreements as the authority may deem necessary, convenient or desirable concerning the use or disposition of its revenues or other moneys or property, including the mortgaging of any property and the entrusting,

pledging or creation of any other security interest in any such revenues, moneys or properties and the doing of any act (including refraining from doing any act) which the authority would have the right to do in the absence of such agreements. The authority shall have power to enter into amendments of any such agreements within the powers granted to the authority by this title and to perform such agreements. The provisions of any such agreements may be made a part of the contract with the holders of bonds of the authority.

6. Any provision of the uniform commercial code to the contrary notwithstanding, any pledge of or other security interest in revenues, moneys, accounts, contract rights, general intangibles or other personal property made or created by the authority shall be valid, binding and perfected from the time when such pledge is made or other security interest attaches without any physical delivery of the collateral or further act, and the lien of any such pledge or other security interest shall be valid, binding and perfected against all parties having claims of any kind in tort, contract or otherwise against the authority irrespective of whether or not such parties have notice thereof. No instrument by which such a pledge or security interest is created nor any financing statement need be recorded or filed.

7. Whether or not the bonds are of such form and character as to be negotiable instruments under the terms of the uniform commercial code, the bonds are hereby made negotiable instruments within the meaning of and for all the purposes of the uniform commercial code, subject only to the provisions of the bonds for registration.

8. Neither the members of the authority nor any person executing bonds shall be liable personally thereon or be subject to any personal liability or accountability by reason of the issuance thereof.

9. The authority, subject to such agreements with bondholders as then may exist, shall have power out of any moneys available therefor to purchase bonds of the authority, which shall thereupon be cancelled at a price not exceeding (i) if the bonds are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date, or (ii) if the bonds are not redeemable then redemption price applicable on the first date after such purchase upon which the bonds become subject to redemption, plus accrued interest to interest payment date.

Credits

(Added L.1986, c. 868, § 2. Amended [L.1987, c. 403, § 5.](#))

McKinney's Public Authorities Law § 1115-n, NY PUB AUTH § 1115-n

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-o

§ 1115-o. Remedies of bondholders

Currentness

Subject to any resolution or resolutions adopted pursuant to [paragraph \(i\) of subdivision four of section one thousand one hundred fifteen-n](#) of this title:

1. In the event that the authority shall default in the payment of principal of or interest on any issue of bonds after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the authority shall fail or refuse to comply with the provisions of this title or shall default in any agreement made with the holders of any issue of bonds, the holders of twenty-five per centum in aggregate principal amount of the bonds of such issue then outstanding, by instrument or instruments filed in the office of the clerk of the city and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of such bonds for the purpose herein provided.

2. Such trustee may and, upon written request of the holders of twenty-five per centum in principal amount of such bonds outstanding shall, in his or its own name:

(a) by action or proceeding in accordance with the civil practice law and rules, enforce all rights of the bondholders and require the authority to carry out any other agreements with the holders of such bonds to perform its duties under this title;

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

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

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

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

3. Such trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of bondholders in the enforcement and protection of their rights.

4. The supreme court shall have jurisdiction of any action or proceeding by the trustee on behalf of such bondholders. The venue of any such action shall be laid in the county of Albany.

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

6. Any such trustee, whether or not the issue of bonds represented by such trustee has been declared due and payable, shall be entitled as of right to the appointment of a receiver of any part or parts of the properties the revenues of which are pledged for the security of the bonds of such issue, and such receiver may enter and take possession of such part or parts of the properties and shall take possession of all moneys and other property derived from such part or parts of such properties and proceed with any construction thereon or the acquisition of any property, real or personal, in connection therewith which the authority is under obligation to do, and to operate, maintain and reconstruct such part or parts of the properties and collect and receive all revenues thereafter arising therefrom subject to any pledge thereof or agreement with bondholders relating thereto and perform the public duties and carry out the agreements and obligations of the authority under the direction of the court. In any suit, action or proceeding by the trustee, the fees, counsel fees and expenses of the trustee and of the receiver, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the court shall be a first charge on any revenues derived from the properties.

Credits

(Added L.1986, c. 868, § 2. Amended [L.1987, c. 403, § 6.](#))

McKinney's Public Authorities Law § 1115-o, NY PUB AUTH § 1115-o

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-p

§ 1115-p. State, city and water board not liable on authority bonds

[Currentness](#)

Neither the state, nor the city, nor the water board nor any subdivision thereof shall be liable on the bonds of the authority and such bonds shall not be a debt of the state, the city, or such water board.

Credits

(Added L.1986, c. 868, § 2. Amended [L.1987, c. 403, § 7.](#))

McKinney's Public Authorities Law § 1115-p, NY PUB AUTH § 1115-p

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-q

§ 1115-q. Moneys of the authority

[Currentness](#)

All moneys of the authority from whatever source derived shall be paid to the treasurer of the authority and shall be deposited forthwith in a bank or banks in the state designated by the governing body. The moneys in such accounts shall be paid out on check of the treasurer upon requisition by the governing body or of such other person or persons as the governing body may authorize to make such requisitions. All deposits of such moneys shall be secured by obligations of or guaranteed by the United States or of the state or of the city of a market value equal at all times to the amount on deposit and all banks and trust companies are authorized to give such security for such deposits. The authority shall have power, notwithstanding the provisions of this section, to contract with the holders of any bonds as to the custody, collection, security, investment and payment of any moneys of the authority or any moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds. Moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds and deposits of such moneys may be secured in the same manner as moneys of the authority and all banks and trust companies are authorized to give such security for such deposits.

Credits

(Added L.1986, c. 868, § 2. Amended [L.1987, c. 403, § 8.](#))

McKinney's Public Authorities Law § 1115-q, NY PUB AUTH § 1115-q

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-r

§ 1115-r. Bonds legal investment for fiduciaries

[Currentness](#)

The bonds of the authority are hereby made securities in which all public officials and bodies of the state and all municipalities, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and savings associations, including savings and loan associations, investment companies and other persons carrying on a banking business, and administrators, guardians, executors, trustees and other fiduciaries and all other persons whatsoever, who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds including capital in their control or belonging to them. The bonds are also hereby made securities which may be deposited with and may be received by all public officers and bodies of this state and all municipalities for any purposes for which the deposit of bonds or other obligations of this state is now or hereafter may be authorized.

Credits

(Added L.1986, c. 868, § 2.)

McKinney's Public Authorities Law § 1115-r, NY PUB AUTH § 1115-r

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-s

§ 1115-s. Agreement of the state

[Currentness](#)

The state does hereby pledge to and agree with the holders of any bonds issued by the authority pursuant to this title that the state will not alter or limit the rights hereby vested in the authority or the water board to fulfill the terms of any agreement made with or for the benefit of the holders of the bonds, or in any way impair the rights and remedies of the bondholders, until the bonds, together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The authority is authorized to include this pledge and agreement of the state in any agreement with bondholders.

Credits

(Added L.1986, c. 868, § 2.)

McKinney's Public Authorities Law § 1115-s, NY PUB AUTH § 1115-s

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-t

§ 1115-t. Exemption from taxes, assessments and certain fees; payments in lieu of taxes

Currentness

1. It is hereby determined that the creation of the authority and the carrying out of its corporate purposes is in all respects for the benefit of the people of the city and of the state and is a public purpose and the authority shall be regarded as performing a governmental function in the exercise of the powers conferred upon it by this title and shall not be required to pay any taxes, special ad valorem levies or special assessments upon any real property owned by it or any filing, recording or transfer fees or taxes in relation to instruments filed, recorded or transferred by it or on its behalf. The authority shall be deemed a public authority for purposes of [section four hundred twelve of the real property tax law](#).

2. Notwithstanding any provision in this section to the contrary, the authority may pay, or may enter into agreements with any municipality to pay, a sum or sums, annually or otherwise, or to provide other considerations to such municipality with respect to real property owned by the authority located within such municipality.

3. Any bonds issued pursuant to this title together with the income therefrom shall be exempt from taxation except for transfer and estate taxes. The revenues, moneys and all other property and activities of the authority shall be exempt from all taxes and governmental fees or charges, whether imposed by the state or any municipality, including without limitation real estate taxes, franchise taxes, sales taxes or other excise taxes.

4. The state hereby covenants with the purchasers and with all subsequent holders and transferees of bonds issued by the authority pursuant to this title, in consideration of the acceptance of and payment for the bonds, that the bonds of the authority issued pursuant to this title and the income therefrom shall be free from such taxation, as aforestated in subdivision three of this section, and that all revenues, moneys, and other property pledged to secure the payment of such bonds shall at all times be free from such taxation as aforestated in such subdivision.

Credits

(Added L.1986, c. 868, § 2. Amended [L.1987, c. 403, § 9](#); [L.1991, c. 166, § 28](#), eff. [June 12, 1991](#).)

McKinney's Public Authorities Law § 1115-t, NY PUB AUTH § 1115-t

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-u

§ 1115-u. Actions against authority and water board

Effective: June 15, 2013

[Currentness](#)

1. Except in an action for wrongful death, no action or proceeding shall be prosecuted or maintained against the authority or the water board for personal injury or damage to real or personal property alleged to have been sustained by reason of the negligence or wrongful act of the authority or the water board or of any member, officer, agent or employee thereof, unless (a) a notice of claim shall have been made and served upon the authority or the water board, as the case may be, within the time limit by and in compliance with [section fifty-e of the general municipal law](#), (b) it shall appear by and as an allegation in the complaint or moving papers that at least thirty days have elapsed since the service of such notice and that adjustment or payment thereof has been neglected or refused, and (c) the action or proceeding shall be commenced within one year and ninety days after the happening of the event upon which the claim is based. An action against the authority or water board for wrongful death shall be commenced in accordance with the notice of claim and time limitation provisions of title eleven of article nine of this chapter.
2. Wherever a notice of claim is served upon the authority or the water board it shall have the right to demand an examination of the claimant relative to the occurrence and extent of the injuries or damages for which claim is made, in accordance with the provisions of [section fifty-h of the general municipal law](#).
3. The authority or the water board may require any person, presenting for settlement an account or claim for any cause whatever against the authority or the water board, as the case may be, to be sworn before a member, counsel, or an attorney, officer or employee designated for such purpose concerning such account or claim when so sworn, to answer orally as to any facts relative to such account or claim. The authority or the water board shall have power to settle or adjust all claims in favor of or against the authority or the water board, as the case may be.
4. The rate of interest to be paid by the authority or the water board upon any judgment for which it is liable, other than a judgment against the authority on its bonds, shall not exceed the rate of interest on judgements¹ and accrued claims against municipal corporations as provided in the general municipal law from time to time. Interest on payments of principal or interest on any bonds in default shall accrue at the rate borne by such bonds from the due date thereof until paid or otherwise satisfied.

Credits

(Added L.1986, c. 868, § 2. Amended [L.1987, c. 403, § 10](#); [L.1990, c. 804, § 17](#); [L.2012, c. 500, § 22](#), eff. June 15, 2013.)

Footnotes

¹ So in original. Probably should be “judgments”.

McKinney's Public Authorities Law § 1115-u, NY PUB AUTH § 1115-u

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-v

§ 1115-v. Contracts

Currentness

1. All contracts or orders for work, material or supplies performed or furnished in connection with construction shall be awarded by the contracting agency pursuant to resolution of its governing body. Such awards shall be made in compliance with [section one hundred three of the general municipal law](#). In any construction contract, the contracting agency may provide a program for the payment of damages for delays and incentive awards in order to encourage timely project completion. An action, suit or proceeding contesting the validity of a contract awarded pursuant to this section, or the validity of the procedures relating to such award, shall be governed by the provisions of [section one hundred three of the general municipal law](#) and the term “political subdivision” as defined in [section one hundred of the general municipal law](#) shall be deemed to include the contracting agency for the purposes of such [section one hundred three](#).

2. The bidder whose bid is accepted shall give security for the faithful performance of the contract, and such other security as the contracting agency may require, and may be required to maintain any construction done under the contract for such period as shall be stipulated, all in the manner prescribed and required by the contracting agency, and the sufficiency of such security shall, in addition to the justification and acknowledgement, be approved by the contracting agency. All bids or proposals shall be publicly opened by the governing body or its duly authorized agent. If the bidder whose bid or proposal has been accepted after advertising shall neglect or refuse to accept the contract within five days after written notice that the contract has been awarded to him on his bid or proposal, or if he accepts but does not execute the contract and give proper security, the contracting agency shall have the right to declare his deposit forfeited. In case any work shall be abandoned by any contractor, the contracting agency may, if it determines that the public interest is thereby served, adopt on its own behalf any or all subcontracts made by such contractor for such work and all such subcontractors shall be bound by such adoption if made. No bid or proposal shall be accepted from, or any contract awarded to, any person or corporation who is in arrears to the contracting agency or the city upon any obligation of the contracting agency or of the city. Every contract involving an expenditure of more than five thousand dollars when made and entered into as herein provided for shall be executed in duplicate, one copy of which shall be held by the authority and one copy of which shall be delivered to the contractor. The contracting agency may adopt, utilize, ratify and confirm any request for proposals, invitation for sealed bids, plans, specifications and notices heretofore or hereafter published by the city with respect to any proposed project, and the contracting agency may adopt, utilize, accept and confirm any bids or proposals submitted to the city and heretofore or hereafter received and publicly opened by the city. The provisions of this section shall supersede any inconsistent provisions of the general municipal law, any other general, special or local law, or the charter of the city.

Credits

(Added L.1986, c. 868, § 2. Amended [L.1987, c. 403, § 11.](#))

McKinney's Public Authorities Law § 1115-v, NY PUB AUTH § 1115-v

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-w

§ 1115-w. Interest in contracts prohibited

[Currentness](#)

It shall be a misdemeanor for any member of the governing body or any officer, agent, servant or employee of the authority or the water board to be in any way or manner interested, directly or indirectly, in the furnishing of work, materials, supplies or labor, or in any contract therefor which the authority or the water board, as the case may be, is empowered by this title to make.

Credits

(Added L.1986, c. 868, § 2.)

McKinney's Public Authorities Law § 1115-w, NY PUB AUTH § 1115-w

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-x

§ 1115-x. Authority, water board and city to take affirmative action

Currentness

1. Each contracting agency which awards contracts for design, construction, services or materials for projects authorized by this title shall require that such contracts and documents soliciting bids or proposals therefor shall contain or make reference to the following provisions:

(a) The contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, or marital status, and will undertake or continue programs of affirmative action to insure that minority group persons and women are afforded equal employment opportunity without discrimination. Such action shall be taken with reference, but not be limited to recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, rates of pay or other forms of compensation, and selections for training or retraining, including apprenticeship and on-the-job training.

(b) At the request of the contracting agency, the contractor shall request each employment agency, labor union, or authorized representative of workers with which he has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative shall not discriminate because of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will cooperate in the implementation of the contractor's obligations hereunder.

(c) The contractor will state, in all solicitations or advertisements for employees placed by or on behalf of the contractor, in performance of the contract that all qualified applicants will be afforded equal employment opportunity without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

(d) The contractor will include the provisions of paragraphs (a) through (c) of this subdivision in every subcontract or purchase order in such a manner that such provisions will be binding upon each subcontractor or vendor as to its working connection with a contract.

2. Each contracting agency shall establish procedures and guidelines to ensure that contractors and subcontractors undertake programs of affirmative action as required by this section. Such procedures may require, after notice in a bid solicitation, the submission of an affirmative action program prior to the award of any contract, or at any time thereafter, and may require the submission of compliance reports relating to the operation and implementation of any affirmative action program adopted hereunder. Such procedures and guidelines shall be consistent with the guidelines promulgated by the office of federal contract compliance programs of the United States department of labor pursuant to presidential executive order eleven thousand two hundred forty-six, as amended, and any state statutory or regulatory requirements. A contracting agency shall, in the

promulgation of procedures and guidelines pursuant to this section, cooperate with any federal, state or local agency established for the purpose of implementing affirmative action compliance programs.

3. Any contracting agency empowered to award contracts for design, construction, services or materials shall seek meaningful participation in the performance of contracts by minority business enterprises and shall establish measures and procedures to identify those contracts and items of work for which minority business enterprises may best bid to actively and affirmatively promote and assist their participation so as to facilitate the award of a fair share of contracts to such enterprises. For purposes hereof, "minority business enterprise" shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident aliens who are Black, Hispanic, Asian, American Indian or women, and such ownership interest is real, substantial and continuing. The provisions of this subdivision shall not be construed to limit the ability of any minority business enterprise to bid on any contract.

4. In the implementation of subdivisions two and three of this section, the contracting agency shall consider compliance by any contractor with the requirements of any federal, state or local law concerning minority business enterprises or equal employment opportunity, which may effectuate the requirements of this section. If the contracting agency determines that by virtue of the imposition of the requirements of any such law, in respect to contracts affected by this section, that the provisions thereof duplicate or conflict with such law, the contracting agency shall waive the applicability of this section to the extent of such duplication or conflict.

5. In order to implement the requirements and objectives of this section, contracting agencies shall be responsible for monitoring the contractors' compliance with the provisions hereof, for advising contractors on the availability of competing qualified minority business enterprises to perform contracts proposed to be awarded and for making recommendations to contractors to improve the access of minority business enterprises to such contracts.

Credits

(Added L.1986, c. 868, § 2. Amended [L.1987, c. 403, § 12.](#))

McKinney's Public Authorities Law § 1115-x, NY PUB AUTH § 1115-x

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-y

§ 1115-y. Audit and annual report

[Currentness](#)

The accounts of the authority and the water board shall be subject to the supervision of the city comptroller. The authority shall annually submit to the governor and comptroller and to the state legislature a detailed report pursuant to the provisions of section two thousand five hundred of title one of article nine of this chapter, and a copy of such report shall be filed with the mayor. The authority shall comply with the provisions of sections two thousand five hundred one, two thousand five hundred two, and two thousand five hundred three of title one of article nine of this chapter.

Credits

(Added L.1986, c. 868, § 2. Amended [L.1987, c. 403, § 13.](#))

McKinney's Public Authorities Law § 1115-y, NY PUB AUTH § 1115-y

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-z

§ 1115-z. Limited liability

[Currentness](#)

Neither the members of the authority or the water board, nor any officer or employee of the authority or the water board acting in behalf thereof, while acting within the scope of his authority, shall be subject to any liability resulting from (i) the construction, ownership, maintenance or operation of any project financed with the assistance of the authority, (ii) the construction, ownership, maintenance or operation of any sewerage system or facility or water system or facility owned by the water board, or (iii) carrying out any of the powers expressly given in this title. Any member of the authority, either appointed by the governor or an employee of the state shall be deemed an “employee” for purposes of [section eighteen of the public officers law](#) for any actions relating to their activities as a member of the authority created by this state.

Credits

(Added L.1986, c. 868, § 2. Amended [L.1987, c. 403, § 14.](#))

McKinney's Public Authorities Law § 1115-z, NY PUB AUTH § 1115-z

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-aa

§ 1115-aa. Separability

[Currentness](#)

If any section, clause or provision in this title shall be held by a competent court to be unconstitutional or ineffective in whole or in part, to the extent that it is not unconstitutional or ineffective, it shall be valid and effective, and no other section, clause or provision shall on account thereof be deemed invalid or ineffective.

Credits

(Added L.1986, c. 868, § 2.)

McKinney's Public Authorities Law § 1115-aa, NY PUB AUTH § 1115-aa

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.

McKinney's Consolidated Laws of New York Annotated
Public Authorities Law (Refs & Annos)
Chapter 43-a. Of the Consolidated Laws
Article 5. Public Utility Authorities
Title 6. Albany Municipal Water Finance Authority (Refs & Annos)

McKinney's Public Authorities Law § 1115-bb

§ 1115-bb. Effect of inconsistent provisions

[Currentness](#)

Insofar as the provisions of this title are inconsistent with the provisions of any other act, general or special, or of the city charter, or any local law, ordinance or resolution of the city, the provisions of this title shall be controlling, provided that, nothing contained in this section shall be held to supplement or otherwise expand the powers or duties of the authority otherwise set forth in this title. Nothing contained in this title shall be held to alter or abridge the powers and duties of the state department of environmental conservation or the state department of health.

Credits

(Added L.1986, c. 868, § 2. Amended [L.1987, c. 403, § 15.](#))

McKinney's Public Authorities Law § 1115-bb, NY PUB AUTH § 1115-bb

Current through L.2019, chapter 758 & L.2020, chapter 23. Some statute sections may be more current, see credits for details.

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.