

Resolution
(Opposition of bill S4040/A7532)

A regular meeting of the City of Hornell Industrial Development Agency was convened on June 27, 2024.

The following Resolution was duly offered and seconded, to wit:

Resolution
NUMBER 2024/ 06-02

Whereas, bill S4040/A7532 would usurp home rule by requiring local authorities to appoint interest groups to IDA boards and,

Whereas, if bill S4040/A7532 were to become law, it would give the school board/school superintendent the authority to appoint their own rep (usurping the local appointing body) and,

Whereas, The Hornell Industrial Development agency has the following concerns:

- This bill does not address the issue around IDAs that have multiple school districts in their communities such as the City of Hornell (Hornell and Arkport school districts).
- Maintaining the smaller board size (three to seven members)) with new required members will create potential quorum issues not to mention project/organizational issues. For smaller IDAs that have only three members regularly and 2 would be mandated that can become a real challenge.
- Members representing other interest groups are often conflicted with the “Duty of Care” responsibility. This will likely apply to Labor and School Appointees.
- Conflict of interest with projects in the school’s jurisdictions-“perception of conflict” can also be considered a conflict. Will that defeat the intent? Will School Districts be okay for one district to represent all?
- Legal Consul will likely require they recuse from voting on and participating in discussions on projects that would impact their district.
- This would set a precedent for other interest groups to get mandated seats on locally appointed boards, not just IDA boards.

- The new language around “temporarily increasing board size until such time as non-mandatory members resign” will create all sorts of compliance issues and likely won’t pass legal challenges.

Further, mandating school board members and labor officials to serve as IDA members would certainly create situations where the new members have little to no economic development knowledge or experience. This would undermine the IDA’s ability to carry out its mission, which is to promote and foster economic development.

Now, therefore be it resolved, that the Hornell Industrial Development Agency opposes bill S4040/A7532 and urges the governor to stand with economic development and oppose this legislation.

The motion was made by John Buckley, seconded by John Carbone to approve the Resolution presented. The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<i>Yea</i>	<i>Nea</i>	<i>Abstain</i>	<i>Absent</i>
Dave Parmley	[X]	[]	[]	[]
John Buckley	[X]	[]	[]	[]
Ed Flaitz	[X]	[]	[]	[]
John Carbone	[X]	[]	[]	[]
Rick Andolina Jr.	[X]	[]	[]	[]

The Resolution was duly adopted.

SECRETARY'S CERTIFICATION
(Opposition of bill S4040/A7532)

STATE OF NEW YORK)
CITY OF HORNELL) SS:

I, the undersigned Secretary of the City of Hornell Industrial Development Agency, DO HEREBY CERTIFY:

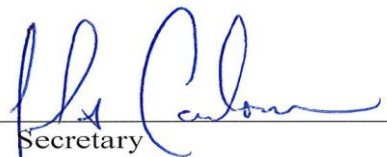
That I have compared the annexed extract of minutes of the meeting of the City of Hornell Industrial Development Agency (the "Agency"), including the resolution contained therein, held on June 27, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this 27th day of June 2024.



Secretary

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