



Memorandum of Support

A.220 (Paulin) / S.1872 (Comrie)

Title

Authorizes the Authorities Budget Office (ABO) to suspend local authority board members and executive staff

Summary

Section 1 of the bill amends section 6 of the Public Authorities Law to authorize the ABO to suspend, for up to 90 days, board members or executive staff of local authorities who have not submitted the budget, annual and audit reports required by the public authorities law more than three years after the original due date. The ABO may send a 30-day warning, and if it receives no reply, may issue a notice of suspension 180 days before the suspension is to commence. The ABO may terminate such suspensions if the authority files the missing reports. When an entire board or the majority of a board is suspended, that authority shall be prohibited from conducting any actions that bind the board to future activity, unless those actions are part of meeting its legal obligations.

Section 1 also permits the officials or bodies that appoint authority board members to reinstate suspended members. If the appointing authority is a legislator or legislative body, the reinstatement must be held in a public meeting, with an opportunity for the public to comment. The reinstatement must then be recorded and passed by a majority vote of the legislative body. Any reinstatements by chief executive officials who appoint members of local authorities must be done as official actions. The chairperson of a local authority may reinstate an authority's chief executive officer provided it is at a public meeting (with the opportunity for the public to comment) and approved by the majority of the authority's board of directors. All reinstatements, regardless of the appointing official or body, must record the act and provide a written description of how the decision to reinstate was reached.

Section 2 states that the changes will go into effect within 90 days of the bill's passage.

Statement of Support

This bill is an important step forward for transparency and accountability in local authority boards. Under current law, boards may avoid filing required forms altogether without facing any serious penalty, as the ABO's punitive actions are limited to warning and censuring members or publishing reports about noncompliance. Consequently, as of February 2019, 119 authorities – more than 20 percent of public authorities in the state¹ – had not met the deadline for submitting a required report.²

Filing the required reports should not be voluntary, but mandatory. Giving the ABO the authority to suspend board members responsible for violations will likely result in a higher compliance rate, allowing the public to better track the operations and effectiveness of local authorities.

Reinvent Albany supports A.220/S.1872 and urges its immediate passage.

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<https://www.abo.ny.gov/reports/dataanalysis/Press%20Release%20Review%20of%20Training%20Compliance.pdf>

² <https://www.abo.ny.gov/pressreleases/February2019DelinquentListPressRelease.pdf>