

ARTICLE 10

NEW YORK STATE MUNICIPAL ASSISTANCE CORPORATION ACT

Title I. Short title; general definitions; legislative findings and statement of purposes (Secs. 3001-3003).

II. General provisions relating to municipal assistance corporations (Secs. 3010-3021).

III. Municipal assistance corporation for the city of New York (Secs. 3030-3041).

IV. Municipal assistance corporation for the city of Troy (Secs. 3050-3060).

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§ 3051. Legislative findings and statement of purposes. The legislature hereby finds and declares that it is necessary for a municipal assistance corporation to be created to assist the city of Troy in providing essential services to its inhabitants without interruption and in creating investor confidence in the soundness of the obligations of such city so that it may retain its ability to sell its obligations to the public.

The legislature further finds that it is in the interest of the state of New York and the city of Troy that certain capital programs of the city of Troy be funded, and certain cumulative

deficits of the city of Troy be liquidated, with the proceeds of debt obligations, including securities of the municipal assistance corporation for the city of Troy.

§ 3052. Definitions. As used in this title, the following words and terms shall have the following meanings unless the context shall indicate another or different meaning or intent:

1. "Corporation "means the corporate governmental agency created by section three thousand fifty-three of this title.

2. "City" means the city of Troy.

3. "Chief executive officer" means the chief executive officer of the city as defined in subdivision five-a of section 2.00 of the local finance law.

4. "City comptroller" means the comptroller of the city of Troy.

5. "Short-term obligations " means tax anticipation notes, revenue anticipation notes, bond anticipation notes, budget notes and urban renewal notes.

6. "Bond or note facility "means any insurance policy, letter of credit or other credit enhancement with respect to bonds or notes of the corporation issued pursuant to this title.

§ 3053. Creation of the municipal assistance corporation for the city of Troy; authorized indebtedness. 1. There is hereby created the municipal assistance corporation for the city of Troy. The corporation shall be a corporate governmental agency and instrumentality of the state constituting a public benefit corporation. It shall have the

powers, privileges and duties of a corporation under title two of this article and under this title. The corporation shall continue for a term

of one year after all its liabilities have been fully paid and

discharged. Upon the termination of the existence of the corporation,

all of its rights and property shall pass to and be vested in the state.

2. Subject to the provisions of any contract with noteholders or bondholders, the corporation shall not issue bonds and notes in an aggregate principal amount exceeding seventy-one million dollars, excluding bonds and notes issued to fund the bond reserve fund established pursuant to section three thousand fifty-six of this title and any bonds or notes issued to refund outstanding bonds and notes of the corporation, for the purposes described in paragraphs (c), (d), (e), and (f) of subdivision one of section three thousand fifty-seven of this title.

2-a. In addition to the authority provided in subdivision two of this section, the corporation may, until December thirty-first, nineteen hundred ninety-nine, issue notes in an aggregate principal amount which the chief executive officer certifies to the corporation is required by the city to provide for purposes described in paragraph (b) of subdivision one of section three thousand fifty-seven of this title, without interruption, services essential to its inhabitants while

Meeting its obligation to the holders of its outstanding securities to December thirty-first, nineteen hundred ninety-nine, but not to exceed two million dollars outstanding in the aggregate at any time (excluding notes to fund the bond reserve fund established pursuant to section three thousand fifty-six of this title). Such notes shall finally mature no later than December thirty-first, two thousand. Such notes shall mature within one year from their date of issue and may be renewed from time to time, but each renewal shall be for a period not to exceed one year. The terms of issuance of such notes shall not contain any provision creating rights in the holders of such notes to convert such notes to or exchange such notes for bonds of the corporation.

2-b. In addition to the authority provided in subdivisions two and two-a of this section, the corporation may, not later than December thirty-first, nineteen hundred ninety-eight issue bonds and notes in an aggregate principal amount not to exceed two million dollars (excluding any bonds or notes issued to fund the bond reserve fund established pursuant to section three thousand fifty-six of this title and any bonds or notes issued to refund outstanding bonds or notes) for the purpose of funding capital projects within the city pursuant to subdivision (a) of section three thousand fifty-seven of this title.

3. (a) No note or bond (i) shall mature more than thirty years from the date of the original issue of such note or bond and, in any event, not later than January first, two thousand thirty or (ii) shall be issued on a date later than December thirty-first, nineteen hundred ninety-nine, unless such note or bond is a renewal or refunding of an outstanding note or bond.

(b) No bond shall be issued by the corporation for a purpose set forth in paragraph (b) of subdivision one of section three thousand fifty-seven of this title.

(c) Whenever all or a portion of a series of notes or bonds of the corporation is issued for a purpose set forth in section three thousand fifty-seven of this title to the extent that the payment of the proceeds of such series is evidenced by a bond or bonds of the city, not more than one year following a scheduled payment of principal on any such city bond (including sinking fund installments), a substantially equal payment of principal (including sinking fund installments) shall be scheduled with respect to the notes or bonds included in such series of the corporation.

4. The corporation is authorized to procure a bond or note facility with respect to its bonds or notes issued pursuant to this section and as security for the principal of and interest on any bonds or notes issued pursuant to this section and for its

obligations under any bond or note facility the corporation may pledge any part of its revenues or assets.

5. Whenever this title establishes a limit on the principal amount of bonds or notes that the corporation is authorized to issue, there shall not be counted against such limit (i) amounts certified by the chairman of the corporation as reasonable to be used to pay the cost of issuing such bonds or notes where such certification has been provided in writing to the state comptroller and the city of Troy, (ii) the amount of bonds or notes that would constitute interest under the Internal Revenue Code of 1986, as amended, and (iii) the portion of any bonds or notes issued to accomplish the purposes described in paragraphs (d) and (e) of subdivision one of section three thousand fifty-seven of this title to the extent necessary to pay interest to the date of redemption or maturity, redemption premium, if any, or other similar costs relating to the accomplishment of such purposes.

6. At the written request of the city, the corporation is authorized to pledge, subject to the prior pledge of the corporation's revenues and assets pursuant to its contracts with the holders of its bonds, notes or other obligations, any part of its revenues or assets not to exceed one hundred thousand dollars in any state fiscal year in favor of the commissioner of environmental conservation to secure obligations of the city related to post-closure care and potential corrective measures of the city's landfill.

§ 3054. Administration of the corporation. The corporation shall be administered by a board of directors, consisting of seven directors, none of whom shall be officers or employees of the federal government or of the state or political subdivisions thereof. Five of the directors shall be appointed by the governor. One of the directors shall be appointed by the majority leader of the senate and one of the directors shall be appointed by the speaker of the assembly. Each of the members of the board of

directors shall serve at the pleasure of the appointed official. Directors of the corporation may also be members of the supervisory board created for the city of Troy pursuant to section ten of chapter seven hundred twenty-one of the laws of nineteen hundred ninety-four, as amended from time to time. The corporation shall have the power to make and execute contracts to pay the expenses of operation of the supervisory board for the city of Troy, within the appropriation available therefore.

§ 3055. Exchange of notes or bonds of the corporation for obligations of the city.

1. The corporation may issue its notes or bonds for the purposes described in paragraph (a), (b), (c), (d), (e) or (f) of subdivision one of section three thousand fifty-seven of this title and pay the proceeds thereof to the city in exchange for obligations of the city, provided that the principal amount of the corporation's notes or bonds issued in connection with any such exchange shall not exceed the principal amount of such obligations of the city and accrued interest thereon at the stated rate to the date of such exchange. The corporation

may also issue its notes or bonds for the purposes described in paragraph (a), (c), (d), (e), or (f) of subdivision one of section three thousand fifty-seven of this title and pay the proceeds thereof to the city in exchange for the agreement by the city to repay such amounts in annual installments, subject to annual appropriation of such installments by the city council of the city of Troy, corresponding to the scheduled principal and interest payments on the corporation's bonds

or notes issued to provide such proceeds provided that, excluding any agreements for repayment of amounts paid to the city in accordance with paragraph (d) of subdivision one of section three thousand fifty-seven of this title, such agreement shall provide that the first principal payment shall be made not later than two years after the date of such agreement or two years after the date of the first bond anticipation note or notes issued in anticipation of such agreement, provided that no

such first principal payment shall be required to be made prior to January thirty-first, nineteen hundred ninety-nine, and further provided no principal payment shall be more than fifty per centum in excess of the smallest prior installment unless this agreement provides for substantially level or declining debt service payments.

2. (a) Upon or at any time after receipt of the obligations of the city exchanged in accordance with subdivision one of this section, the corporation may deliver any or all of such obligations to the city for cancellation, without receiving payment of principal or interest in respect thereof, in which event the city shall thereupon cancel such obligations without making any payment of principal amount or accrued interest thereon and the city shall have no further liability with respect thereto. Notwithstanding the foregoing, the corporation shall not deliver at any time obligations received pursuant to subdivision one of this section to the city for cancellation without receiving payment of principal or interest in respect thereof unless the chief executive officer shall have requested in writing that such obligations be delivered for cancellation.

(b) Upon or at any time after receipt of any short-term obligations of the city exchanged in accordance with subdivision one of this section the corporation may exchange any or all of such short-term obligations for other short-term obligations issued by the city pursuant to the local finance law and the corporation may exchange any or all of such bond anticipation notes included in such short-term obligations for bonds of the city issued pursuant to the local finance law, all on such terms and conditions as the corporation may deem proper.

3. The corporation shall not exchange any of its bonds or notes for obligations of the city pursuant to subdivision one of this section unless (a) the city shall have agreed to observe the conditions set forth in section three thousand fifty-eight of this title, subject to such modifications as are permitted thereunder and as the corporation may then approve, and (b)

the board of directors of the corporation shall have determined that the terms of such exchange will not prejudice the rights of holders of other bonds and notes of the city.

§ 3056. Payments to the corporation; funds of the corporation. 1. Not less than one hundred twenty days before the beginning of each fiscal year of the corporation (but not later than October first, nineteen hundred ninety-five for the fiscal year ending December thirty-first, nineteen hundred ninety-five), the chairman of the board of directors of the corporation shall certify to the state comptroller and to the governor a schedule setting forth the cash requirements of the corporation for such fiscal year and the time or times when such cash is required. The total amount so certified by such chairman for such fiscal year shall be equal to: (i) the amounts required to be deposited in the debt service fund of the corporation to pay all interest and all payments of principal and redemption premium, if any, on bonds and notes payable from the sources hereinafter identified in this section and maturing or otherwise coming due during such fiscal year; (ii) the amounts required to be deposited in the operating fund of the corporation, as determined by the corporation, to meet the operating requirements and other expenses of the corporation during such fiscal year to the extent not otherwise provided for; (iii) the amounts required to be deposited in the bond reserve fund created and established pursuant to the agreements of the corporation made with the holders of its bonds or notes issued pursuant to section three thousand fifty-three of this title during such fiscal year in order to maintain the bond reserve fund level required in accordance with the agreements of the corporation made with the holders of its bonds or notes issued pursuant to section three thousand fifty-three of this title; (iv) the amount, if any, due to any provider of any bond or note facility, representing payments made by it as provided in the applicable resolution or

trust indenture, including any related reasonable interest, fees or charges so provided; (v) the amount, if any, required to be rebated to the United States to provide for continued federal tax exemption for bonds and notes of the corporation; and (vi) the amount, if any, required to be paid to the commissioner of environmental conservation to secure obligations of the city related to post-closure care and potential corrective measures of the city's landfill. Such certification shall also set forth the amount which would be necessary to be appropriated and available for deposit into the special account established for the corporation under subdivision one of section ninety-two-e of the state finance law in the next succeeding state fiscal year to provide a minimum coverage ratio of one and one-half to one on the debt service payable by the corporation in such succeeding fiscal year; provided, however, that for the purposes of the foregoing calculation the term "debt service payable" shall include redemption premiums and the reasonably estimated amount of debt service on bonds and notes the corporation expects to issue after the date of the certification and prior to the close of such succeeding fiscal year, and shall also include the interest on but not the principal of any notes issued or expected to be issued by the corporation pursuant to subdivision two-a of section three thousand fifty-three of this title.

In determining the amount certified as necessary to provide the minimum coverage ratio described in the preceding sentence, the chairman shall make estimates covering the period corresponding to the next succeeding state fiscal year of (a) the moneys available from other sources and pledged to the payment of debt service in accordance with any agreements between the corporation and the holders of its bonds or notes, (b) the amount of investment earnings on funds held by the corporation that the corporation will apply to the payment of debt service, and (c) the funding needed to meet the operating requirements and other expenses of

the corporation. If any increase shall occur in such cash requirements specified above, or if payments are required at a time or times earlier than previously certified or if the city shall, for any reason, fail to make timely payment of the principal and accrued interest due on any obligation issued by the city to the corporation and maturing within the same fiscal year, or if the city shall fail to make timely payment of any amount due and owing from the city to the corporation under any contract or agreement between the city and the corporation, such chairman shall certify a revised schedule of such additional cash requirements for such fiscal year to the state comptroller and to the governor. Such chairman shall, as changed conditions or estimates may warrant, certify to the state comptroller and to the governor as to a revised amount which would be necessary to be appropriated and available for deposit into the corporation's special account under subdivision one of section ninety-two-e of the state finance law in order to maintain the minimum coverage ratio described above provided, however, that no such revised certification shall be made after the adoption by the legislature of a budget for the state fiscal year to which the certification pertains. The schedule accompanying each certification, or revision thereof, shall provide for such payment dates as the corporation deems appropriate to assure that sufficient funds will be available from the sources identified below to enable it to meet its current obligations under this section as they come due. Upon receipt of such certification, or any revision thereof, the state comptroller shall pay such amount to the corporation for deposit in the appropriate funds referred to in this section, in accordance with such certification and subject to agreements with holders of outstanding bonds and notes of the corporation, from the special account established for the corporation in the municipal assistance state aid fund in accordance with subdivision one of section ninety-two-e of the state finance law subject, however, to the provisions of paragraph (b) of subdivision

five-a of such section, and from the special account established for the corporation in the municipal assistance tax fund in accordance with subdivision one of section ninety-two-d of the state finance law. Any such payment shall be made within thirty days of receipt of the certification or at the time specified in the certification, whichever is later; provided that any such amounts shall have been first appropriated by the state for such purpose or shall have been otherwise made available. Any amount paid to the corporation from such municipal assistance state aid fund shall be deducted from the amount otherwise payable to the city pursuant to sections fifty-four and ninety-two-e of the state finance law and, except as to amounts paid to the corporation pursuant to paragraph (b) of subdivision five-a of section ninety-two-e of the state finance law, shall not obligate the state to make, nor entitle the city to receive, any additional payments. Any amount so paid to the corporation from the municipal assistance tax fund shall be deducted from the amount otherwise payable to the city from the municipal assistance tax fund and shall not obligate the state to make, nor entitle the city to receive, any additional payments from such municipal assistance tax fund. The city shall pay to the corporation such additional payments as may be necessary to fund items (i), (ii), (iii), (iv), (v) and (vi) of this subdivision.

2. Nothing contained in this title shall be deemed to restrict the right of the state to amend, repeal, modify or otherwise alter sections fifty-four and ninety-two-e of the state finance law or section twenty of a chapter of the laws of nineteen hundred ninety-six entitled "AN ACT to amend chapter 721 of the laws of 1994 authorizing the city of Troy to issue serial bonds for the purpose of liquidating cumulative and projected deficits in the city's general fund, establishing a supervisory board, and establishing a debt service fund, in relation to granting a lien to the county of Rensselaer relating to certain taxes collected on behalf of such county by the city of Troy" which chapter added a new paragraph (b) to

subdivision five-a of section ninety-two-e of the state finance law. The corporation shall not include within any resolution, contract or agreement with holders of the bonds or notes issued under this title any provision which provides that a default occurs as a result of the state exercising its right to amend, repeal, modify or otherwise alter sections fifty-four and ninety-two-e of the state finance law or the above described section twenty of such chapter of the laws of nineteen hundred ninety-six.

3. The corporation shall create a bond reserve fund, a debt service fund and an operating fund and may create and establish such other fund or funds as may be necessary or desirable for its corporate purposes.

4. The fiscal year of the corporation shall be the same as the fiscal year of the city.

§ 3057. Payments to or purchases of obligations of the city. 1. In the event that the chief executive officer from time to time certifies to the corporation an amount required by the city to enable it (a) to pay for any item which is permitted by law to be included in the city's capital budget for the fiscal year for which such certification is made, including payments to reimburse the general fund for moneys advanced and expended for any such item, or (b) to pay operating expenses of the city other than those included in this paragraph, or (c) to liquidate all or a portion of the city's cumulative deficits for the years nineteen hundred ninety-three through nineteen hundred ninety-five, both inclusive, or to pay, at maturity, or on the redemption date, the principal of and interest on obligations of the city issued for such purposes, or (d) to acquire, or cause to be acquired, all or a portion of the real or personal property leased by the city pursuant to one or more lease agreements between the city and the Troy local development corporation including the financing of the payment of any judgments or compromised or settled claims against the city relating thereto, or (e) to pay at maturity, or on the redemption

date, the principal of and interest on obligations of the city previously issued to finance any item in the current or any prior fiscal year, or (f) to pay for the costs of closure of the city's landfill, the corporation may (i) pay to the city, or (ii) purchase from the city obligations hereafter issued by the city in an amount equivalent to, part or all of such certified amount.

2. Moneys paid to the city pursuant to subparagraph (i) or (ii) of paragraph (e) of subdivision one of this section shall be held in trust for the payment of city obligations or shall be used to make the payment for which such moneys have been so certified. The corporation shall not make any payment to the city, or purchase any obligations from the city, pursuant to this section unless the city shall have agreed to observe the conditions set forth in section three thousand fifty-eight of this title, subject to such modifications as are permitted thereunder.

3. In consideration of the payments made to the city for the purposes

described in paragraph (a), (b), (c), (d), (e) or (f) of subdivision one of this section, the corporation shall purchase from the city obligations issued by the city in accordance with applicable provisions of the state constitution and local finance law then in effect at the time such obligations are issued in an amount equivalent to such payment. Nothing herein shall require the corporation to receive obligations issued by the city under the local finance law as a condition to making a total of seventy-one million dollars of payments in the aggregate to the city pursuant to paragraph (a), (c), (d), (e), or (f) of subdivision one of this section.

4. Nothing contained in this title shall be deemed to create an object or purpose or to establish or extend a period for which a city bond may be issued pursuant to the local finance law, or to create authority for the city to issue a bond payable from a tax on real estate levied outside the limit imposed by the state constitution on the amount to be raised by tax on real estate for

local purposes other than debt service, or to modify, amend, repeal, or rescind any other provision of the local finance law governing the issuance by the city of its bonds or the payment of principal and interest thereon.

5. At all times after receipt of obligations of the city acquired pursuant to this section, the corporation shall have the same rights and powers with respect to such obligations as the corporation shall have with respect to obligations of the city received pursuant to subdivision one of section three thousand fifty-five of this title; provided that the corporation shall not deliver any obligation received pursuant to this section for cancellation unless the city pays the principal amount and accrued interest thereon or pays accrued interest and exchanges such bond for another bond of the city in equal principal amounts in refunding thereof unless the chief executive officer shall have requested in writing that such obligations be delivered for cancellation, and provided further that the corporation may not sell or transfer to any person other than the city any obligation of the city acquired by it pursuant to this section unless the chief executive officer has requested in writing that the corporation sell or transfer such obligation and, if such obligation be sold or transferred at private sale, unless the terms of such sale have been approved by the city comptroller.

§ 3058. Conditions on extension of benefits to the city. The corporation shall, at the time of any exchange of the corporation's bonds and notes for obligations of the city pursuant to subdivision two of section three thousand fifty-five of this title or any payment of funds of the corporation to the city or of any purchase from the city of its obligations pursuant to section three thousand fifty-seven of this title, require the city to agree to observe and perform the conditions set forth below in this section, with such limitations as to the implementation of such conditions as the corporation may, subject to any contract with bondholders or noteholders, then

approve; provided, however, that no such specific limitations shall be so substantial as to effectively constitute a waiver of any such conditions. Any such conditions may thereafter, in the discretion of the corporation, subject to any contract with bondholders or note holders, be further limited. Such conditions shall cease to apply when all notes and bonds have been repaid or when the corporation has accumulated in its bond reserve funds or otherwise an amount equal to the principal of all outstanding notes and bonds and interest accrued thereon. The city shall have the right at any time to pay the corporation an amount which, when added to the bond reserve funds, shall equal the principal of all outstanding notes and bonds and interest accrued thereon and redemption premium if any. If the city makes such payment at a time when the corporation has outstanding notes or bonds that are not then callable, the city shall agree to pay the corporation on demand an amount equal to the amount, if any, by which the amount of interest on such notes or bonds shall exceed the corporation's income from the investment of its funds. Subject to the foregoing, the conditions that the corporation shall require the city to observe and perform shall be as follows:

1. The city shall deliver a certificate, executed by the chief executive officer in form prescribed by the corporation, (a) representing that the city is in compliance with the conditions described below in this section as the corporation may specify, (b) undertaking to comply with any of such specified conditions as the corporation may then require, and (c) stating that all local legislative and executive action then required to permit such compliance by the city has been taken. The corporation may require the delivery with such certificate of an opinion of the city's corporation counsel that all such legislative and executive action has been taken.

2. For the fiscal year ending December thirty-first, nineteen hundred ninety-six, and for each fiscal year thereafter, the city's budgets shall be prepared in accordance with the

provisions of chapter seven hundred twenty-one of the laws of nineteen hundred ninety-four, as amended from time to time.

3. Each fiscal year the city shall take such action as may be necessary to enable an independent certified public accounting firm selected and retained by the city at its cost to perform an annual audit and to furnish to the corporation an annual report upon the financial statements of the city. Each such report shall be prepared in accordance with the generally accepted accounting principles. The city shall make available for inspection and copying all books, records, work papers and other data and material as required by the independent certified public accounting firm conducting such audit and the city shall make its officers and employees available to and shall cooperate with such auditors so as to permit such annual audit to be completed and the report issued to the city and to the corporation within one hundred twenty days after the close of the fiscal year. Such report shall be made available to the public promptly thereafter.

4. Beginning with the fiscal year ending December thirty-first, nineteen hundred ninety-six and for each fiscal year thereafter, the city shall deliver its proposed budgets to the corporation. Delivery to the corporation shall be made concurrently with the initial submission of the proposed budgets to the city council, but in any event not later than fifty days prior to the beginning of such fiscal year or such other date as the corporation may approve upon the request of the city. The proposed budgets submitted to the corporation shall be prepared in accordance with the accounting methods referred to in subdivision three of this section. Such budgets shall be identical to the proposed budgets submitted to the city council. The proposed budgets delivered to the corporation shall be accompanied by (i) a statement setting forth in detail the assumptions of income and expense used in preparation, and (ii) a certificate of the chief executive officer stating that such assumptions are reasonable and that operation within the budgets is feasible.

Subject to and in accordance with the provisions of chapter seven hundred twenty-one of the laws of nineteen hundred ninety-four, as the same may be amended from time to time, the city shall in every fiscal year adopt and maintain budgets in which the total of all revenue items equals or exceeds the total of all expenditure items.

5. If after the adoption of the budgets for any fiscal year, any increase therein, or an increase in total expenditures shall be proposed, the chief executive officer shall cause such proposal to be submitted to the corporation concurrently with its submission to the city council, together with a statement of the source of current revenues or other identifiable and currently available funds required for the payment of such additional amounts.

6. Commencing at such time as the corporation may specify, but not later than February first, nineteen hundred ninety-six, the city budget director shall deliver to the corporation, not less than thirty days before each fiscal quarter (except, within thirty days after the commencement of the first fiscal quarter), an expenditure plan to implement the city budgets for such fiscal quarter and within amounts based on current income or other identifiable and currently available funds. The city budget director shall deliver to the corporation within thirty days after the end of each such fiscal quarter covered by an expenditure plan, an operations report reflecting results of city operations for such fiscal quarter and whether the city has operated within the related expenditure plan. Each expenditure plan and operations report shall be in such form as the corporation may specify and shall be certified by the city budget director and shall detail and report upon action taken by the city to maintain balanced budgets.

7. The city shall comply in all material respects with the expenditure limitations in its budgets as adopted or modified in accordance with subdivisions four and five of this section, and with chapter seven hundred twenty-one of the laws of nineteen

hundred ninety-four, as the same may from time to time be amended.

§ 3059. Review by the corporation. In order to determine whether the city has taken or is taking action to effect compliance with any conditions imposed pursuant to section three thousand fifty-eight of this title, the corporation may from time to time conduct a review of the records, accounts, budgets, forecasts, projections and other relevant materials of the city. The corporation may conduct such review by using (i) its own employees, (ii) its agents, or (iii) any state employees provided to the corporation for such purposes. The city shall make available for such review all books and records, and shall furnish copies of all financial statements, budgets, forecasts, projections, information or corrective action taken by the city in response to any notices from the corporation and all information related to the foregoing, as requested by the persons conducting such review, and shall make its officers and employees available to and shall otherwise cooperate with such persons to permit such review to be completed as promptly as possible.

§ 3060. Remedies of the corporation.

1. The corporation shall cause each proposed budget, including related revenue estimates, submitted to it pursuant to subdivision four of section three thousand fifty-eight of this title, and each proposed modification furnished to it pursuant to subdivision four of such section and each expenditure plan and operations report submitted to it pursuant to subdivision six of such section, to be reviewed promptly by the corporation's staff or designee.

2. If, within forty-five days after such receipt of proposed budgets, or, if within fifty days after such receipt of a proposed modification,

the board of directors shall, in its judgement, determine that any such budgets will not be balanced in accordance with

the provisions of subdivision five of section three thousand fifty-eight of this title, either by its terms or because revenue is overestimated or expenditures are underestimated therein, or that a report of proposed modification pursuant to subdivision five of section three thousand fifty-eight of this title reflects that the budgets would thereafter not be balanced in accordance with the provisions of subdivision four of section three thousand fifty-eight of this title, or that a condition imposed pursuant to such section has not been met or will not be met, with respect to such fiscal year, then the corporation shall promptly notify the chief executive officer of such determination and shall review with him the manner in which corrective action may be taken in order to comply with such conditions.

3. In the event that the board of directors determines, following review with the chief executive officer pursuant to subdivision two of this section that the corrective action necessary to cause compliance with the conditions of section three thousand fifty-eight of this title will not be taken, or determines as a result of a review made pursuant

to section three thousand fifty-nine of this title or otherwise that the city is not in compliance with any of the conditions imposed pursuant to section three thousand fifty-eight of this title or that any representation or undertaking contained in any certificate delivered pursuant to such section is materially incorrect or has not been complied with in all material respects, the corporation shall promptly certify a copy of such determination of noncompliance to the governor, the legislature, the state comptroller, the chief executive officer, the city council and the city comptroller and shall disclose such determination to the public.

4. The remedies described in this section are not exclusive and, in addition thereto, the corporation shall have and may exercise all other rights and remedies provided by law.

http://law.justia.com/newyork/codes/public-authorities/idx_pba0a10t4.html