

EXECUTIVE ORDER

NO 32: Establishing the Governor's Task Force on the Implementation of the 2009 Public Authorities Reform Act

WHEREAS, public authorities fulfill an essential function in New York State ("State") by providing capital improvements that benefit the public;

WHEREAS, the State relies extensively on such authorities in areas such as transportation, education, economic development, health care, energy, housing and the environment;

WHEREAS, it is critical, in light of such heavy reliance, that all authorities meet the highest standards of professionalism, accountability and integrity;

WHEREAS, a number of significant reforms, innovations and improvements since 1995 have increased the accountability and openness of state government and public authorities;

WHEREAS, building on previous efforts to reform public authorities, including those of Ira Millstein and the New York State Commission on Public Authority Reform, I worked this year with the Legislature to enact legislation that further improves the way public authorities conduct business in the State;

WHEREAS, chapter 506 of the laws of 2009 ("2009 Public Authorities Reform Act") contains provisions of law that will significantly improve the oversight of such public authorities and provide more effective regulation of their operations;

WHEREAS, the implementation of such provisions presents issues related to the administration of the new independent Authorities Budget Office ("ABO") and its coordination and relationship with other agencies; the management by the ABO of the ABO's additional powers and responsibilities; the reporting requirements, duties and governance of public authorities; and the development of appropriate policies, procedures and regulations by the ABO to effectuate the foregoing; and

WHEREAS, the implementation of such provisions would be informed and complemented by the expertise of a group of individuals knowledgeable in the field of corporate governance and other relevant disciplines, thereby ensuring that the salutary purposes of the 2009 Public Authorities Reform are fully realized;

NOW, THEREFORE, I, DAVID A. PATERSON, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby order as follows:

1. There is hereby established the Governor's Task Force on the Implementation of the 2009 Public Authorities Reform Act ("Task Force"), which shall consist of 7 members appointed by the Governor, including: (i) Ira Millstein, who shall be Chair of the Task Force; (ii) one member who shall be appointed upon the recommendation of the Temporary President of the Senate; (iii) one member who shall be appointed upon the recommendation of the Speaker of the Assembly; and (iv) one member who shall be appointed upon the recommendation of the Comptroller. The members of the Task Force shall have experience and expertise in any one or more of the following areas: corporate governance, public authorities, public administration, management, finance or other relevant disciplines.
2. The Task Force shall be appointed and constituted by January 15, 2010.
3. The Task Force shall identify and examine all matters that it deems relevant to the implementation of the 2009 Public Authorities Reform Act.
4. The Task Force shall provide policy guidance and make recommendations it deems appropriate concerning the implementation of the 2009 Public Authorities Reform Act, and, without limitation:
 - a. the parameters and scope of the fiduciary duty applicable to board members of public authorities; and
 - b. the maximization of available physical State resources to complement the administration of the ABO and the definition of the ABO's role and independence within the Department of State.
5. No member of the Task Force shall be disqualified from holding any public office or employment, nor shall he or she forfeit any such office or employment by virtue of his or her appointment hereunder. The members of the Task Force shall receive no compensation for their services, but they shall be allowed their actual and necessary expenses incurred in the performance of their duties pursuant to this Order.
6. A majority of the appointed members on the Task Force shall constitute a quorum. The Task Force may meet in person or by telephone or by using other communication technologies and may hold meetings to discuss issues even in the absence of a quorum; provided, however, that all recommendations of the Task Force shall require approval of a majority of its members. The Task Force shall meet as often as is necessary and under circumstances as are appropriate to fulfilling its purposes under this Order.
7. Staff support for the Task Force shall be provided upon the Task Force's request by the Division of Budget, the Department of State, the Office for Technology, and the Executive Chamber.
8. The Task Force shall render its findings and recommendations no later than August 15, 2010 and shall thereafter cease to exist, unless specifically extended by the Governor.

David A. Paterson
Governor

Lawrence Schwartz
Secretary to the Governor