

BYLAWS OF THE PUBLIC SUBSIDY BOARD

ARTICLE I NAME, AUTHORITY & LOCATION

Section 1. – Name:

The name of this organization is the New York State Public Subsidy Board and will be referred to as the “Board” throughout these bylaws.

Section 2. – Authority:

Section 224-c of Article 8 of the New York State Labor Law establishes the Board and sets out its purposes, powers, and duties.

Section 3. – Location:

The Board’s location and mailing address is the New York State Department of Labor, W. Averell Harriman State Office Building Campus, Building 12, Albany, New York, 12240.

ARTICLE II PURPOSES

Section 1. Recommendations:

One purpose of the Board is to examine and make recommendations, when the Board deems appropriate, regarding the following:

- (a) the minimum threshold percentage of public funds set forth in subdivision one of Section 224-a of the Labor Law, but no lower than that which is set forth in such subdivision;

- (b) the minimum dollar threshold of projects set forth in subdivision one of Section 224-a of the Labor Law, but no lower than that which is set forth in such subdivision;
- (c) construction work excluded as a “covered project” as set forth in paragraph (c) of Subsection 4 of Section 224-a of the Labor Law;
- (d) the definition of “construction” for purposes of Section 224-a of the Labor Law; or
- (e) particular instances of benefits, monies or credits as to whether or not they should constitute “public funds.”

Section 2 – Determinations:

Another purpose of the Board is to issue binding determinations, when it deems appropriate, to any public entity, or any private or not-for-profit owner or developer as to any particular matter related to an existing or potential covered project.

**ARTICLE III
MEMBERSHIP**

Section 1. – Appointment:

The members of the Board shall be appointed in accordance with the provisions of Section 224-c of the Labor Law. No public officer or employee appointed to the board shall forfeit any position or office by virtue of appointment to such board.

Section 2. – Composition:

The composition of the Board shall be in accordance with Section 224-c of the Labor Law.

Section 3. – Compensation:

Members will receive no salary or compensation except reimbursement for necessary expenses that are incurred in the performance of their duties as set forth in the New York State Office of the State Comptroller’s travel guidelines and policies.

**ARTICLE IV
CHAIR AND OTHER OFFICERS**

Section 1. – Titles and Selection:

Pursuant to the provisions of Section 224-c of the Labor Law, the Commissioner of Labor shall act as the Chair of the Board.

Section 2. – Term of Office:

The Board members shall be appointed by the Governor as set forth in Section 224-c of the Labor Law. The members shall serve at the pleasure of the authority recommending, designating, or otherwise appointing such member, in accordance with Section 224-c of the Labor Law. The Chair serves at the pleasure of the Governor.

Section 3. – Duties and Powers of the Chair and Secretary:

The Chair presides at all Board meetings and calls regular and special meetings of the members.

On behalf of the Board, the Chair may assign tasks and support or administrative duties to Department of Labor staff as necessary to ensure proper functioning of the Board.

The Director of the Bureau of Public Work at the Department of Labor, or a designee selected by the Chair, shall serve as the Board’s Secretary. The Secretary shall receive and maintain all correspondence addressed to the Board, including requests for determinations or hearings.

The Secretary shall provide the Board with reports and information to assist the Board with such determinations or hearings, as necessary.

ARTICLE V MEETINGS

Section 1. – Frequency:

The Board shall meet on a quarterly and as-needed basis in accordance with the provisions of Section 224-c of the Labor Law. The Board’s meetings are to be publicly announced, and, to the extent appropriate, open, and accessible to the public and shall comply with the New York State Open Meetings Law (Article 7 of the Public Officers Law) and Section 224-c of the Labor Law.

Section 2. – Notice:

Notice of a Board meeting will be provided by the Chair. The notice shall state the time, place, date, and agenda. Public notice of a Board meeting will be issued in accordance with the provisions of the Open Meetings Law.

Section 3. – Quorum:

A majority of the 13 members of the Board constitutes a quorum at any meeting of the Board. A majority of the Board is at least 7 members. Members may only be counted toward a quorum if they are present at the meeting in person, or via videoconference consistent with circumstances set forth in Section 103-a of the Public Officers Law.

Section 4. – Special Meetings:

Special meetings of the Board may be called at any time by the Chair.

Section 5 – Hearings:

The Board shall adopt a procedure to hold hearings that adheres to Section 224-c of the Labor Law.

Section 6. – Order of Business:

The order of business at each regular meeting shall, to the extent possible, be as follows:

- a. Determination of a quorum.
- b. Approval of Minutes from the previous Board meeting.
- c. Unfinished business.
- d. New business.

**ARTICLE VI
VOTING AND ATTENDANCE**

Section 1. – Attendance:

Board members are expected to participate in person or via videoconference, when permitted, for 75% of the official meetings each year. At the discretion of the Chair, exemptions may be granted for emergencies or other extenuating circumstances that prevent a member from attending the required number of meetings.

At all Board meetings, each member is entitled to cast one vote in person on any question. Votes shall be by voice or show of hands at the Chair's discretion. At the request of any 3 members present, the vote on any question shall be by written ballot.

Board members may cast a vote in person or via videoconferencing in accordance with the Open Meetings Law. Voting via phone participation is not permitted pursuant to Section 41 of the General Construction Law.

No members may be represented by a designee or proxy for purposes of counting toward a quorum or to vote.

Section 2. – Majority Vote:

The vote of the majority of the 13 Board members shall decide all questions. A majority of the Board is 7 members.

**ARTICLE VII
AMENDMENTS**

These by-laws may be amended at a meeting of the Board by a two-thirds majority vote of all the Board members. A two-thirds majority of the Board is 9 members. Amendments may be made in a proposal submitted in writing to the Chair by 3 or more members of the Board. The Chair will transmit the text of any proposed amendment to all members at least 14 days before the date scheduled for the vote to take place.

**ARTICLE VIII
PUBLICITY AND CONFIDENTIALITY**

No publicity or statements on behalf of the Board shall be released unless it is approved by the majority vote of the Board or reflects an official action of the Board based on a recorded vote. The majority of the Board is 7 votes.

Any proceedings of the Board which relate to a particular individual or project shall be confidential pursuant to Section 224-c of the Labor Law.