

# DRAFT

## RESOLUTION NO. 208

### CREATING A LOCAL DEVELOPMENT CORPORATION FOR THE PURPOSE OF OPERATING THE ALBANY COUNTY NURSING HOME

Introduced: 6/10/13

By Messrs. Morse, Commisso and Ward:

WHEREAS, The Albany County Executive has proposed that the Albany County Nursing Home be privatized via a lease agreement with Upstate Services Group, and

WHEREAS, This proposal has created considerable concern by members of the Legislature who would like to develop an alternative method of operating the nursing home, and

WHEREAS, Local development corporations formed under the Section 1411 of the New York State Not For Profit Corporation Law ("NFPCL") are created to assist, among others, not for profit corporations that are undertaking projects that further any of the following purposes for which local development corporations are created: (1) relieving and reducing unemployment, (2) promoting and providing for additional and maximum employment, (3) bettering and maintaining job opportunities, (4) instructing or training individuals to improve or develop their capabilities for such jobs, (5) carrying on scientific research for the purpose of aiding a community or geographical area by attracting new industry to the community or area or by encouraging the development of, or retention of, an industry in the community or area, and (6) lessening the burdens of government and acting in the public interest, and

WHEREAS, In furtherance of the public purposes set forth above, a local development corporation formed under the NFPCL is empowered to take the following actions: (1) to construct, acquire, rehabilitate and improve for use by others industrial or manufacturing plants in the territory in which its operations are principally to be conducted, (2) to assist financially in such construction, acquisition, rehabilitation and improvement, to maintain such plants for others in such territory, (3) to disseminate information and furnish advice, technical assistance and liaison with federal, state and local authorities with respect thereto, (4) to acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein, (5) to borrow money and to issue negotiable bonds, notes and other obligations therefor, and (6) to sell, lease, mortgage or otherwise dispose of or encumber any such plants or any of its real or personal property or any interest therein upon such terms as it may determine to be suitable, now, therefore

be it

RESOLVED, That the Albany County Legislature authorizes the formation of a local development corporation in accordance with Section 1411 of the NFPCL regarding the operation of the Albany County Nursing Home, the seven members of which shall be appointed as follows: three members appointed by the Chairman of the Legislature; three members appointed by the Majority Leader of the Legislature; and one member appointed by the Minority Leader of the Legislature, and, be it further

RESOLVED, That this Honorable Body approves the form and substance of the certificate of incorporation as filed with the Clerk of the Legislature, all in substantially the form thereof presented to the Legislature this meeting, with such changes, variations, omissions and insertions as the Chairman and the County Attorney shall approve, and, be it further

RESOLVED, That the Clerk of the County Legislature is hereby directed to forward certified copies of this resolution to the appropriate County Officials.

*Resolution was withdrawn by sponsors. 6/10/13*