

C**Effective:[See Text Amendments]**

McKinney's Consolidated Laws of New York Annotated [Currentness](#)
Public Authorities Law [\(Refs & Annos\)](#)
Chapter 43-A. Of the Consolidated Laws
[↗ Article 10-C](#). New York Health Care Corporations [\(Refs & Annos\)](#)
[↗ Title 1](#). Westchester County Health Care Corporation
→ § 3300. Short title

This title may be cited as the “Westchester county health care corporation act”.

CREDIT(S)

(Added [L.1997, c. 11, § 1.](#))

HISTORICAL AND STATUTORY NOTES

2001 Main Volume

L.1997, c. 11 legislation

Section effective Feb. 11, 1997, pursuant to L.1997, c. 11, § 2.

RESEARCH REFERENCES

2010 Electronic Update

Encyclopedias

[NY Jur. 2d, Civil Servants & Other Public Officers & Employees § 435](#), Judicial Review and Enforcement of PERB Orders; Standing of Taxpayer to Seek Review.

McKinney's Public Authorities Law § 3300, NY PUB AUTH § 3300

Current through the Laws of 2009.

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Public Authorities Law [\(Refs & Annos\)](#)
Chapter 43-A. Of the Consolidated Laws
[↗ Article 10-C](#). New York Health Care Corporations [\(Refs & Annos\)](#)
[↗ Title 1](#). Westchester County Health Care Corporation
→ § 3301. **Legislative findings and purpose**

The legislature hereby finds and declares as follows:

1. Currently, the Westchester County Medical Center is a public hospital owned and operated by the county of Westchester.
2. The Westchester County Medical Center encompasses the Medical Center Hospital, the Ruth Taylor Geriatric and Rehabilitation Institute, the Psychiatric Institute and the Westchester Institute for Human Development.
3. The Medical Center Hospital is the tertiary care facility for Westchester and the six other counties of the lower Hudson Valley.
4. The needs of the residents of the state of New York and of the county of Westchester can best be served by the operation of the Westchester County Medical Center by a public benefit corporation having the legal, financial and managerial flexibility to take full advantage of opportunities and challenges presented by the evolving health care environment.
5. In order to accomplish the purposes recited in this section to provide health care services and health facilities for the benefit of the residents of the state of New York and the county of Westchester, including persons in need of health care services without the ability to pay as required by law, a public benefit corporation to be known as the Westchester county health care corporation shall be created to provide such services and facilities and to otherwise carry out such purposes; that the creation and operation of the Westchester county health care corporation, as hereinafter provided, is in all respects for the benefit of the people of the state of New York and of the county of Westchester, and is a state, county and public purpose; and that the exercise by such corporation of the functions, powers and duties as hereinafter provided constitutes the performance of an essential public and governmental function.

CREDIT(S)

(Added [L.1997, c. 11, § 1.](#))

HISTORICAL AND STATUTORY NOTES

2001 Main Volume

L.1997, c. 11 legislation

Section effective Feb. 11, 1997, pursuant to L.1997, c. 11, § 2.

NOTES OF DECISIONS

Construction and application 1

1. Construction and application

Private physicians that entered exclusive professional services agreement with public benefit corporation created by state of New York to perform essential public and governmental function of operating a hospital were required to meet “active supervision” prong of two-pronged test articulated in *California Retail Liquor Dealers Ass'n v. Midcal Aluminum* for extending state action immunity from federal antitrust laws to private parties in response to complaint of “grandfathered physicians” that they were violating contract's provisions protecting “grandfathered physicians” from anticompetitive behavior; allegations of misconduct were not tangential attack on authority of governmental entity to enter into anticompetitive agreements, but rather on authority of private defendants to act beyond scope of the agreement and/or the policy articulated by the legislature in corporation's enabling statute. [LaFaro v. New York Cardiothoracic Group, PLLC, C.A.2 \(N.Y.\)2009, 570 F.3d 471. Antitrust And Trade Regulation ¶904](#)

Alleged anticompetitive activities of public benefit corporation, relating to its exclusive professional services agreement with certain physicians, were a foreseeable consequence of public benefit corporation's enabling statute, and therefore public benefit corporation satisfied “clear articulation” standard for extending state action immunity from federal antitrust laws to a state subdivision; enabling statute showed that the legislature foresaw that the public benefit corporation would have the power and flexibility to choose from a range of competitive and anticompetitive arrangements for best fulfilling its statutory purposes. [LaFaro v. New York Cardiothoracic Group, PLLC, C.A.2 \(N.Y.\)2009, 570 F.3d 471. Antitrust And Trade Regulation ¶903](#)

McKinney's Public Authorities Law § 3301, NY PUB AUTH § 3301

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Chapter 43-A. Of the Consolidated Laws

[Article 10-C](#). New York Health Care Corporations [\(Refs & Annos\)](#)

[Title 1](#). Westchester County Health Care Corporation

→ § 3302. **Definitions**

As used or referred to in this title, unless a different meaning clearly appears from the context:

1. "Board" shall mean the board of directors of the corporation as established by [section thirty-three hundred three](#) of this title.
2. "Bonds" shall mean the bonds, notes or other evidences of indebtedness issued by the corporation pursuant to this title and the provisions of this title relating to bonds and bondholders shall apply with equal force and effect to notes and noteholders, respectively, unless the context otherwise clearly requires.
3. "Corporation" shall mean the public benefit corporation created by [section thirty-three hundred three](#) of this title, known as the Westchester county health care corporation.
4. "County" shall mean the county of Westchester.
5. "Department" shall mean the department of hospitals of the county.
6. "Health facility" shall mean a building, structure or unit or any improvement to real property, including all necessary and usual attendant and related equipment, facilities or fixtures, or any part or parts thereof, or any combination or combinations thereof, including, but not limited to, a general hospital, psychiatric hospital, ambulatory clinic or center, chronic disease hospital, nursing home, extended-care facility, dispensary or laboratory or any other related facility, or any combination of the foregoing, constructed, acquired or otherwise provided by or for the use of the corporation or the county in providing health and medical services to the public.
7. "Director" shall mean a voting director appointed to the corporation pursuant to [section thirty-three hundred three](#) of this title.

CREDIT(S)

(Added [L.1997, c. 11, § 1.](#))

HISTORICAL AND STATUTORY NOTES

2001 Main Volume

L.1997, c. 11 legislation

Section effective Feb. 11, 1997, pursuant to L.1997, c. 11, § 2.

McKinney's Public Authorities Law § 3302, NY PUB AUTH § 3302

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Effective: July 1, 2008

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Public Authorities Law [\(Refs & Annos\)](#)

Chapter 43-A. Of the Consolidated Laws

[Article 10-C](#). New York Health Care Corporations [\(Refs & Annos\)](#)

[Title 1](#). Westchester County Health Care Corporation

→ **§ 3303. Westchester county health care corporation**

1. (a) There is hereby created a state board to be known as the Westchester county health care corporation which shall be a body corporate and politic constituting a public benefit corporation.

(b) The corporation shall be governed by fifteen voting directors of which eight directors shall be appointed by the governor and seven directors shall be appointed by the legislature of the county of Westchester subject to approval by the county executive. The governor shall make appointments to the corporation as follows: three directors from a recommendation submitted by the county executive; three directors from a recommendation submitted by the legislature of the county of Westchester; one director, who shall be a resident of Westchester county, from a recommendation submitted by the speaker of the assembly; one director, who shall be a resident of Westchester county, from a recommendation submitted by the temporary president of the senate.

The terms of the initial voting directors appointed by the governor shall be five years for such directors appointed upon recommendation of the temporary president of the senate and the speaker of the assembly. The terms of the initial voting directors appointed by the governor upon the recommendation of the county executive shall be five years for one, four years for one and three years for one. The terms of the initial voting directors appointed by the governor upon the recommendation of the legislature of the county shall be four years for two and three years for one. The terms of the initial voting directors appointed by the legislature of the county with the approval of the county executive shall be one year for three of such directors, two years for three of such directors and three years for one of such directors.

(c) Each voting director should possess a high degree of experience and knowledge in relevant fields and a high degree of interest in the corporation. The appointment of any voting director to the corporation shall be based in part on the objective of ensuring that the corporation includes diverse and beneficial perspectives and experience, including, but not limited to, those of business management, law, finance, medical and/or other health professionals, health sector workers, and the patient or consumer perspective.

2. There shall be four non-voting representatives which shall include the chief executive officer of the corporation as appointed by the voting directors of the board, one representative selected by the county executive, one selected by the majority leader of the county board of legislators and one selected by the minority leader of the county board of legislators. Such representatives shall have all of the rights and powers of the voting directors other than the right and power to vote including, but not limited to, the right to equal access to information.

3. (a) All voting directors shall continue to hold office until their successors are appointed and qualify. All subsequent appointments shall be for a term of five years and may be eligible for reappointment.

(b) Vacancies occurring otherwise than by expiration of term of office shall be filled for the unexpired terms in the manner provided for original appointment. All directors and non-voting representatives shall continue to hold office until their successors are appointed and have qualified. Vacancies shall be filled in the same manner as provided for original appointment. Vacancies occurring otherwise than by expiration of terms of office, shall be filled by appointment for unexpired terms. Members may be removed from office by the board for inefficiency, neglect of duty or misconduct in office, after the board has given such member a copy of the charges against him or her or opportunity to be heard in person or by counsel in his or her defense, upon not less than ten days notice.

4. (a) The voting directors shall by majority vote select one of the fifteen voting directors as the chairperson of the board. The chairperson shall preside over all meetings of the board and shall have such other duties as the voting directors may direct.

(b) The voting directors, non-voting representatives of the corporation shall receive no compensation for their services, but shall be reimbursed for all their actual and necessary expenses incurred in connection with the carrying out of the purposes of this title.

(c) The powers of the corporation shall be vested in and shall be exercised by the board at a meeting duly called and held where a quorum of eight voting directors is present. No action shall be taken by the corporation except pursuant to the favorable vote of at least eight voting directors present at the meeting at which such action is taken.

5. The voting directors shall select and shall determine the salary and benefits of the chief executive officer of the corporation. The voting directors shall have the authority to discharge the chief executive officer with or without cause; provided, however, that removal without cause shall not prejudice the contract rights, if any, of the chief executive officer.

6. Notwithstanding any inconsistent provision of any general, special or local law, ordinance, resolution or charter, no officer, member or employee of the state or of any public corporation shall forfeit his or her office or employment by reason of his or her acceptance of appointment as a director, non-voting representative, officer or employee of the corporation, nor shall service as such a director, non-voting representative, officer or employee be deemed incompatible or in conflict with such office, or employment, and provided further, however, that no public officer elected to his or her office pursuant to the laws of the state or any municipality thereof may serve as a member of the governing body of the corporation during his or her term of office.

7. The corporation and its corporate existence shall continue until terminated by law, provided, however, that no such termination shall take effect so long as the corporation shall have bonds or other obligations outstanding, unless adequate provision has been made for the payment or satisfaction thereof. Upon termination of the existence of the corporation, all of the rights and properties of the corporation then remaining shall pass to and vest in the county in such manner as prescribed by law.

8. Contracts for works, construction or purchases to which the corporation is a party shall be subject to the provisions of article five-A of the general municipal law except as provided in subdivisions nine and ten of this section. In addition to the procedures prescribed under [section one hundred four of the general municipal law](#) for the utilization of the terms of state contracts, the corporation may utilize the terms of a federal government general services contract where the terms are to the advantage of the corporation and have been offered to the corporation by the contractor. When bids have already been received by the corporation no purchase under a federal government general services contract shall be made unless the purchase may be made upon the same terms, conditions and specifications at a lower price through such contractor.

9. It is the intent of the legislature that overall cost should in all cases be a major criterion in the selection of project

developers for award of contracts pursuant to this section and that, wherever practical, such contracts should be entered into through competitive bidding procedures as prescribed by [sections one hundred one](#) and [one hundred three of the general municipal law](#). It is further the intent of the legislature to acknowledge the highly complex and innovative nature of medical technology, diagnostic and treatment devices, the relative newness of a variety of devices, processes and procedures now available, the desirability of a single point of responsibility for the development of medical treatment and diagnostic facilities and the economic and technical utility of contracts for medical projects which include in their scope various combinations of design, construction, operation, management and/or maintenance responsibility over prolonged periods of time and that in some instances it may be beneficial to the corporation to award a contract for a medical project on the basis of factors other than cost alone, including but not limited to facility design, system reliability, efficiency, safety, and compatibility with other elements of patient care. Accordingly, and notwithstanding the provisions of any general, special or local law or chapter, a contract for a medical project entered into between the corporation and any project developer pursuant to this section may be awarded pursuant to public bidding in compliance with [sections one hundred one](#) and [one hundred three of the general municipal law](#) or pursuant to the following provisions for the award of a contract based on evaluation of proposals submitted in response to a request for proposals prepared by or for the corporation:

(a) The corporation shall require that each proposal to be submitted by a project developer shall include:

(i) information relating to the experience and expertise of the project developer on the basis of which said project developer purports to be qualified to carry out all work required by a proposed contract; the ability of the project developer to secure adequate financing; and proposals for project staffing, implementation of work tasks, and the carrying out of all responsibilities by a proposed contract;

(ii) a proposal clearly identifying and specifying all elements of cost which would become charges to the corporation, in whatever form, in return for the fulfillment by the project developer for the full lifetime of a proposed contract, including, as appropriate, but not limited to the cost planning, design, construction, operation, management and/or maintenance of any facility, and clearly identifying and specifying all elements of revenue which would accrue to the corporation from the operation of the facility or device or from any other source; provided, that the corporation may prescribe the form and content of such proposal and that, in any event, the project developer must submit sufficiently detailed information to permit a fair and equitable evaluation by the corporation of such proposal; and provided, further, that the corporation may set maximum allowable cost limits in any form in the request for proposals; and

(iii) such other information as the corporation may determine to have a material bearing on its ability to evaluate any proposal in accordance with this subparagraph;

(b) Prior to the issuance of a request for proposals pursuant to this paragraph, the corporation shall publish notice of such issuance in at least one newspaper of general circulation. Concurrent with the publication of such notice a draft request for proposals shall be filed with the county commissioner of health.

(c) Proposals received in response to such request for proposals shall be evaluated by the corporation as to net cost or, if a net revenue is projected, net revenue, and in a manner consistent with provisions set forth in the request for proposals, and may be evaluated on the basis of additional factors, including but not limited to the technical evaluation of the medical project including medical facility, facility design, system reliability, energy balance and efficiency. The evaluation of such proposals and the determination of whether a project developer is "responsible" may include, but shall not be limited to, consideration, in a manner consistent with provisions set forth in the request for proposals, the record of the project developer in complying with existing labor standards and recognizing state and federally approved apprentice training programs, and the willingness of the project developer to provide for meaningful participation of minority group persons and business enterprises in the conduct of the work;

(d) The corporation may make a contract award to any responsible project developer based on a determination by the corporation that the selected proposal is most responsive to the request for proposals and may negotiate with any project developer, provided, however, that if any award is made to any project developer whose total proposal does not provide either the lowest net cost, or if a net revenue is projected, the greatest net revenue, of any proposal received, the corporation shall adopt a resolution which includes particularized findings relevant to factors pursuant to such subparagraph indicating that the corporation's requirements are met by such award and that such action is in the public interest.

Whenever the corporation enters into a contract pursuant to this section for a medical project which involves construction the provisions of [section two hundred twenty of the labor law](#) shall be applicable to such construction work.

10. Every contract entered into between the corporation and a project developer, pursuant to the provisions of paragraph (d) of subdivision nine of this section, for a medical project involving construction of a medical building by the project developer, shall contain provisions that such building shall be constructed through construction contracts awarded through competitive bidding in accordance with paragraphs (a) through (g) of this subdivision; that the project developer or the project developer's construction subcontractor shall furnish a bond guaranteeing prompt payment of moneys that are due to all persons furnishing labor and materials pursuant to the requirements of such construction contracts, and that a copy of such payment bond shall be kept by the corporation and shall be open to public inspection; provided, however, that the requirements of this subdivision shall not apply when the cost of such construction, exclusive of the cost of medical equipment and devices, is less than one million five hundred thousand dollars.

(a) The project developer shall advertise for bids for such construction contracts in a daily newspaper having general circulation in the county. Such advertisement shall contain a statement of the time and place where all bids received pursuant to such notice will be publicly opened and read. An employee of the corporation shall be designated to open the bids at the time and place specified in the notice. All bids received shall be publicly opened and read at the time and place so specified. At least five days shall elapse between the publication of such advertisement and date on which the bids are opened.

(b) Except as otherwise provided in [section two hundred twenty-two of the labor law](#), when the entire cost of constructing such building, exclusive of any medical equipment, apparatus or devices, shall exceed one million five hundred thousand dollars, the project developer shall prepare separate specifications for the following subdivisions of such work, so as to permit separate and independent bidding upon each subdivision:

(i) plumbing and gas fittings;

(ii) steam heating, hot water heating, ventilating and air conditioning apparatus; and

(iii) electric wiring and standard illuminating fixtures.

(c) After public competitive bidding, the project developer shall award one or more separate contracts for each of the above subdivisions of such work, whenever separate specifications are required pursuant to paragraph (b) of this subdivision, and one or more contracts for the remainder of such work. The project developer may award such contracts at different times. Contracts awarded pursuant to this subdivision shall be awarded by the project developer to the lowest responsible and responsive bidder and shall be contracts of the project developer and not of the corporation which shall have no obligation or liabilities, whatsoever, thereunder. The project developer shall have the responsibility for the supervision, coordination, and termination of such contracts, unless otherwise specified in contractual terms between the project developer and the corporation.

(c-1) Each bidder on a public work contract, where the preparation of separate specifications is not required, shall submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform work on the contract, and the agreed-upon amount to be paid to each, for: (i) plumbing and gas fitting, (ii) steam heating, hot water heating, ventilating and air conditioning apparatus and (iii) electric wiring and standard illuminating fixtures. After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced, and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection. Legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs, a change to subcontractor status as determined pursuant to [paragraph \(e\) of subdivision two of section two hundred twenty-two of the labor law](#), or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. The sealed lists of subcontractors submitted by all other bidders shall be returned to them unopened after the contract award.

(d) In determining whether a prospective contractor is responsible and responsive, the project developer may require that prospective contractors:

(i) have adequate financial resources or the ability to obtain such resources;

(ii) be able to comply with the required or proposed delivery or performance schedule;

(iii) have a satisfactory record of performance;

(iv) have the necessary organization, experience, operational controls, and technical skills, or the ability to obtain them;

(v) have the necessary production, construction and technical equipment and facilities, or the ability to obtain them; and

(vi) be eligible to receive an award under applicable laws and regulations and be otherwise qualified.

(e) The project developer may reject any bid of a bidder which the project developer determines to be nonresponsible or nonresponsive to the advertisement for bids.

(f) The project developer may, in its discretion, reject all bids, and may revise bid specifications and may readvertise for bids as provided herein.

(g) Only as used in this section:

(i) "project developer" means any private corporation, partnership, limited liability company, or individual, or combination thereof which has submitted a proposal in response to a request for proposals;

(ii) "construction" shall include reconstruction, rehabilitation or improvement exclusive of the installation and assembly of any medical equipment, apparatus or device;

(iii) "medical building" means that component of a medical project constituting appurtenant structures or facilities necessary to house or render the remaining components of the medical project operational. Medical building shall not include apparatus, equipment, devices, systems, supplies or any combination thereof;

(iv) “medical project” means any substantial durable apparatus, equipment, device or system, or any combination of the foregoing, including services necessary to install, erect, or assemble the foregoing and any appurtenant structures or facilities necessary to house or render the foregoing operational, to be used for the purpose of care, treatment or diagnosis of disease or injury or the relief of pain and suffering of sick or injured persons. Medical projects shall not include ordinary supplies and equipment expended or utilized in the customary care and treatment of patients.

11. (a) For purposes of applying [section eighty-seven of the public officers law](#), to the corporation, the term “trade secrets” shall include marketing strategy or strategic marketing plans, analyses, evaluations and pricing strategies or pricing commitments of the corporation, relating to business development, which, if disclosed, would be likely to injure the competitive position of the corporation.

(b) In addition to the matters listed in [section one hundred five of the public officers law](#), the corporation may conduct an executive session for the purpose of considering marketing strategy or strategic marketing plans, analyses, evaluations and pricing strategies of the corporation, relating to business development, which, if disclosed, would be likely to injure the competitive position of the corporation.

CREDIT(S)

(Added [L.1997, c. 11, § 1](#); amended [L.2008, c. 57, pt. MM, § 9, eff. July 1, 2008](#).)

HISTORICAL AND STATUTORY NOTES

2010 Electronic Update

L.2008, c. 57 legislation

L.2008, c. 57, pt. MM, § 20, provides:

“This act shall take effect July 1, 2008, and shall control all contracts advertised or solicited for bid on or after the effective date of this act under the provisions of any law requiring contracts to be let pursuant to provisions of law amended by this act.”


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L.1997, c. 11 legislation

Section effective Feb. 11, 1997, pursuant to L.1997, c. 11, § 2.

LIBRARY REFERENCES

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[States](#)  [84](#).

[C.J.S. States §§ 141 to 143, 165, 202](#).

In a caselaw database, run TO(360) or 360k[add key number] to retrieve cases related to States.

McKinney's Public Authorities Law § 3303, NY PUB AUTH § 3303

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Chapter 43-A. Of the Consolidated Laws

[Article 10-C](#). New York Health Care Corporations [\(Refs & Annos\)](#)

[Title 1](#). Westchester County Health Care Corporation

→ § 3304. **Transfer of officers and employees; civil service**

1. (a) On the effective date of the transfer of the facilities and operations of the Westchester County Medical Center pursuant to an agreement between the county and the corporation as authorized in this title, officers and employees employed in the department shall become officers and employees of the corporation with equivalent offices, positions and employment therewith and shall be deemed public officers or public employees for all purposes.

(b) In accordance with the provisions of [section seventy of the civil service law](#), for a period not to extend beyond six months from the effective date of the transfer of the facilities and operations of the Westchester County Medical Center pursuant to an agreement between the county and the corporation as authorized in this title, any other officer or employee of the county may, at the request of the corporation and with the consent of the county executive and the officer or employee, be transferred to the corporation and shall be eligible for such transfer and appointment, without further examination, to applicable offices, positions and employment under the corporation.

(c) Any person who, at the time he or she becomes an officer or employee of the Westchester County Medical Center pursuant to paragraph (a) or (b) of this subdivision, has a temporary or provisional appointment shall be transferred subject to the same right of removal, examination or termination as though such transfer had not been made except to the extent such rights are modified by a collective bargaining agreement.

(d) There shall be no layoffs of any officers or employees of the Westchester County Medical Center which are a direct consequence of the enactment of this title. There shall be a presumption that any layoffs occurring more than twenty-four months after the effective transfer date described in this subdivision shall be deemed not to be such a direct consequence.

(e) Nothing contained in this section shall be construed to prevent the elimination of any service at any time as a result of the elimination of state or federal assistance, the elimination of available revenue reimbursement, loss of certification or licensure, or loss of financial viability.

2. The corporation shall recognize the existing certified or recognized employee organizations for those persons who become employees of the Westchester County Medical Center pursuant to paragraph (a) or (b) of subdivision one of this section as the exclusive collective bargaining representatives for such employees, who shall comprise correspondingly new collective bargaining units. The corporation shall be bound by all existing collective bargaining agreements with such employee organizations; all existing terms and conditions of employment shall remain in effect until altered by the terms of a successor contract; successor employees to the positions held by such employees shall, consistent with the provisions of article fourteen of the civil service law, be included in the same unit as their predecessors. Employees serving in positions in newly created titles shall be assigned to the appropriate bargaining

unit. Nothing contained herein shall be construed to affect:

- (a) the rights of employees pursuant to a collective bargaining agreement;
- (b) the representational relationships among employee organizations or the bargaining relationships between the county, state and an employee organization; or
- (c) existing law with respect to an application to the public employment relations board seeking designation by the board that certain persons are managerial or confidential. Nothing herein shall preclude the merger of negotiating units of employees with the consent of the recognized or certified representatives of such units.

3. The salary or compensation of any such officer or employee, after such transfer, shall be paid by the corporation. The corporation shall, upon transfer, acknowledge and give credit for all leave balances held by such officers and employees on the date of transfer.

4. The corporation shall be subject to the civil service law. For the purposes of such law, the following titles (consisting of no more than a total of forty-five positions in such titles), including the proposed comparable corporate titles where applicable, shall, upon the effective transfer date described in subdivision one of this section, be in the exempt class, unless pursuant to the provisions of the civil service law, a lesser or greater number of titles or positions is properly classified in the exempt class: Commissioner of Hospitals (President and Chief Executive Officer), First Deputy Commissioner of Hospitals (Executive Vice President), Director of Hospital Administration (Senior Vice President, Hospital Administration), Medical Director of Hospital (Senior Vice President, Medical Director), Associate Director of Hospital Nursing Services and Education (Vice President, Hospital Nursing Services and Education), Director of the Ruth Taylor Institute (Vice President, Ruth Taylor Institute), Associate Director Hospital, Planning & Development (Vice President, Planning and Development), Director of Professional Services-WCMC (Director of Professional Services), Director of Support Service-WCMC (Director of Support Services), Associate Director of Hospital Administration (Vice President, Hospital Administration), Medical Records Director-Hospital (Director of Health Information Management), Personnel Director-Medical Center, Assistant Personnel Director-Hospital, Director of Program Development I (Labor Relations), Health Care Administrator (Material Management), Program Administrator (Material Management), Health Care Administrator (Patient Care Services Program Administrator (Patient Care Services)), Health Care Administrator (Regulatory Affairs-WCMC) Program Administrator (Regulatory Affairs), Health Care Administrator (Operating Room) (Program Administrator (Operating Room)), Health Care Administrator (EMS) (Program Administrator (EMS)), Health Care Administrator (Heart Center) Program Administrator (Heart Center)) [FN1], Program Administrator (Executive Services WCMC) Program Administrator (Executive Services) [FN1], Director of Communications & Development WCMC, Director of Marketing & Development, Director of Program Development II (Community Relations), Assistant to Commissioner of Hospitals (Assistant to President/CEO), Secretary to Commissioner of Hospitals (Secretary to President/CEO), Director of Hospital Fiscal and Business Services (Senior Vice President, Finance), Director of Nursing-PTI, Associate Director for Hospital Operations, Director of Information Systems (Director of Information Systems), Director of Patient Care Services, Director of Pharmacy Services, Director, Office of Hospital Financial Analysis, Director, Office of Hospital Reimbursement, Manager of Patient Accounts, Associate Director, Fiscal Services (Vice President, Finance).

CREDIT(S)

(Added [L.1997, c. 11, § 1.](#))

[FN1] So in original. Beginning parenthesis inadvertently omitted.

HISTORICAL AND STATUTORY NOTES

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Section effective Feb. 11, 1997, pursuant to L.1997, c. 11, § 2.

LIBRARY REFERENCES

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[Officers and Public Employees](#)  [11.7.](#)

[C.J.S. Officers and Public Employees §§ 92 to 98.](#)

In a caselaw database, run TO(283) or 283k[add key number] to retrieve cases related to Officers and Public Employees.

McKinney's Public Authorities Law § 3304, NY PUB AUTH § 3304

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[Article 10-C](#). New York Health Care Corporations [\(Refs & Annos\)](#)

[Title 1](#). Westchester County Health Care Corporation

→ § 3305. **General powers of the corporation**

Except as limited by this title, the public health law, the mental hygiene law, the social services law, the education law or any other applicable law or regulation, the corporation shall have power:

1. to sue and be sued;
2. to have a seal and alter the same at pleasure;
3. to borrow money and issue bonds for any of its corporate purposes or its projects, or to refund the same, and to provide for the rights of the holders thereof;
4. to make and alter by-laws for its organization and management, and, subject to agreements with its bondholders, to make and alter rules and regulations governing the exercise of its powers and the fulfillment of its purposes under this title;
5. (a) to acquire by purchase, grant, lease, gift, or otherwise and to hold and use property necessary, convenient or desirable to carry out its corporate purposes, and to sell, convey, mortgage, lease, pledge, exchange or otherwise dispose of any such property in such manner as the corporation shall determine;
- (b) to acquire by condemnation pursuant to the provisions of the eminent domain procedures [\[FN1\]](#) law any real property within Westchester county required by the corporation to carry out the powers granted by this title with the approval of both the county board of legislators and the county executive;
6. to acquire, construct, lease, expand, improve, maintain, equip, furnish, operate one or more projects and, if necessary, to pay or finance the cost thereof;
7. to accept gifts, grants, loans or contributions of funds or property or financial or other aid in any form from, and enter into contracts or other transactions with, the federal government, the state or any public corporation or any other source, and to use any such gifts, grants, loans or contributions for any of its corporate purposes;
8. to grant options to renew any lease with respect to any project or projects and to grant options to buy any project at such price as the corporation may deem desirable;
9. to designate the depositories of its money;

10. to establish its fiscal year;

11. to enter into contracts and to execute all instruments necessary or convenient or desirable for the purposes of the corporation to carry out any powers expressly given to it in this title;

12. to appoint such officers, employees and agents as the corporation may require for the performance of its duties and to fix and determine their qualifications, duties, and compensation subject to the provisions of the civil service law and any applicable collective bargaining agreement, and to retain or employ counsel, auditors, engineers and private consultants on a contract basis or otherwise for rendering professional, management or technical services and advice;

13. to use employees, agents, consultants and facilities of the county, paying the county its agreed proportion of the compensation or costs pursuant to an agreement with the county;

14. to make and adopt plans, surveys and studies necessary, convenient or desirable to the effectuation of the purposes and powers of the corporation and to prepare recommendations in regard thereto;

15. except as limited by state law or regulation, to fix and collect rates, rentals, fees and other charges for the services rendered by or for use of the facilities or in the exercise of the powers of the corporation;

16. to enter upon such lands, waters or premises as in the judgment of the corporation may be necessary, convenient or desirable for the purpose of making surveys, soundings, borings and examinations to accomplish any purpose authorized by this title, the corporation being liable for actual damage done;

17. the corporation may covenant and consent that the interest on any of its bonds or notes issued pursuant to this title shall be includable, under the United States Internal Revenue Code of 1986, as amended (the "code") or any subsequent corresponding internal revenue law of the United States, in gross income of the holders of the bonds or notes to the same extent and in the same manner that the interest on bills, bonds, notes or other obligations of the United States is includable in the gross income of the holders thereof under the code or any such subsequent law;

18. to insure or otherwise to provide for the insurance of the corporation's property or operations and also contract against such other risks as the corporation may deem advisable, including the interest rate risk for obligations it issues bearing interest at a floating or otherwise adjustable rate which prevents the actual rate over the term of the debt from being ascertained at the date of its incurrence, and including the power to make any payments with respect thereto; and

19. to do all things necessary, convenient or desirable, including ancillary and incidental activities, to carry out its purposes and for the exercise of the powers granted in this title.

CREDIT(S)

(Added [L.1997, c. 11, § 1.](#))

[\[FN1\]](#) So in original. Should be "procedure".

HISTORICAL AND STATUTORY NOTES

2001 Main Volume

L.1997, c. 11 legislation

Section effective Feb. 11, 1997, pursuant to L.1997, c. 11, § 2.

LIBRARY REFERENCES

2001 Main Volume

[States](#)  84.

[C.J.S. States §§ 141](#) to [143](#), [165](#), [202](#).

In a caselaw database, run TO(360) or 360k[add key number] to retrieve cases related to States.

McKinney's Public Authorities Law § 3305, NY PUB AUTH § 3305

Current through the Laws of 2009.

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Public Authorities Law [\(Refs & Annos\)](#)

Chapter 43-A. Of the Consolidated Laws

[Article 10-C](#). New York Health Care Corporations [\(Refs & Annos\)](#)

[Title 1](#). Westchester County Health Care Corporation

→ **§ 3306. Special powers of the corporation**

In order to effectuate the purposes of this title, the corporation shall have the following additional powers, except as limited by this title, the public health law, the mental hygiene law, the social services law, the education law and any other applicable law or regulation:

1. To operate, manage, superintend and control any health facility under its jurisdiction and to repair, maintain and otherwise keep up any such health facility; and to establish, collect and adjust fees, rentals, and other charges for the sale, lease or sublease of any such health facility, subject to the terms and conditions of any contract, lease, sublease or other agreement with the county;
2. To provide health and medical services for the public directly or by agreement or lease with any person, firm or private or public corporation or association through or in the health facilities of the corporation or otherwise and to make internal policies governing admissions and health and medical services; and to establish, collect and adjust fees and other charges for the provision of such health and medical services; and to provide and maintain resident physician and intern medical services; and to sponsor and conduct research, educational and training programs;
3. To provide uncompensated care to persons in need of health care services without the ability to pay;
4. To provide, maintain and operate a medical transport service, provided, however, nothing herein shall prohibit the corporation from adopting a schedule of charges for medical transport;
5. To enter into contracts, leases, subleases and other agreements for the purpose of affiliating with a medical college in conjunction with the corporation's health facilities, which agreements may provide for the management, operation and staffing of health facilities, the reconstruction, renovation or addition to health facilities; the provision of necessary facilities, utilities and services; and such other conditions or features necessary and proper for such purpose and for the public health and general welfare;
6. To determine the conditions under which a physician may be extended the privilege of practicing within a health facility under the jurisdiction of the corporation, and to promulgate reasonable internal policies for the conduct of all persons, physicians and nurses within such facility; and
7. (a) Except as provided in paragraph (b) of this subdivision or as expressly limited by any applicable state law or regulation to exercise and perform all or part of its purposes, powers, duties, functions or activities through one or more subsidiary corporations owned or controlled wholly or in part by the corporation, which shall be formed pursuant to the business corporation law, the limited liability company law, or the not-for-profit corporation law, in

each case subject to all the limitations provided in this article.

(b) No subsidiary of the corporation shall own, operate, manage or control the existing acute inpatient and outpatient facilities and services now in operation on the grounds of the Valhalla campus.

(c) Any such subsidiary may be authorized to act as a general or limited partner in a partnership or as a member of a limited liability company, and enter into an arrangement calling for an initial and subsequent payment by such subsidiary in consideration of an interest in revenues or other contractual rights.

(d) An entity shall be deemed a subsidiary corporation whenever and so long as (i) more than half of any voting shares of such subsidiary are owned or held by the corporation or (ii) a majority of the directors, trustees or members of such subsidiary are designees of the corporation.

CREDIT(S)

(Added [L.1997, c. 11, § 1.](#))

HISTORICAL AND STATUTORY NOTES

2001 Main Volume

L.1997, c. 11 legislation

Section effective Feb. 11, 1997, pursuant to L.1997, c. 11, § 2.

LIBRARY REFERENCES

2001 Main Volume

[States](#)  84.

[C.J.S. States §§ 141](#) to [143](#), [165](#), [202](#).

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McKinney's Public Authorities Law § 3306, NY PUB AUTH § 3306

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Effective: August 16, 2006

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Chapter 43-A. Of the Consolidated Laws

[Article 10-C](#). New York Health Care Corporations [\(Refs & Annos\)](#)[Title 1](#). Westchester County Health Care Corporation**→ § 3307. Transfer of property; relationship with the county; certain gifts, loans and guarantees by the county**

1. (a) The county may give, grant, sell, convey, loan, license the use of, or lease to the corporation any property (except monies appropriated by the county and payable to the corporation pursuant to subdivision three and paragraph (a) of subdivision four of this section) which are useful in connection with the exercise by the corporation of any of its powers under this title in order to transfer the facilities and operations of the Westchester County Medical Center to the corporation by agreement between the county and the corporation and any subsequent renewal or amendment thereof, by local law adopted by a two-thirds majority of the county board of legislators and after approval by the county board of acquisition and contract, notwithstanding any general, special or local law, ordinance, resolution or charter.

(b) Any such gift, grant, sale, conveyance, loan, license or lease shall be upon such terms and conditions, for such consideration, if any, and for such term or terms of years, subject to the rights of the holders of any bonds, as the corporation and the county may agree. No real property of the county consisting of any health facility currently operated by the Westchester County Medical Center shall be transferred to the corporation in fee, except under such restrictions regarding rights of first refusal, or other rights, to repurchase the property as the Westchester County Board of Legislators shall approve by act, and subject to a restrictive covenant prohibiting the corporation from pledging or mortgaging the fee interest in the property. In the event that the county gives, grants, sells, conveys, loans, licenses or leases any facilities to the corporation, the county may contract with the corporation to lease, borrow, license, operate, maintain, manage and provide services for such facilities upon such terms and conditions and for such term or terms of years, subject to the rights of holders of bonds, as the corporation and the county may agree. The corporation, in furtherance of any purchase, conveyance or lease of any property or facility from the county, may assume the primary responsibility for the payment of the principal and interest on any bonds or notes issued by the county for such property or facility.

2. The county may acquire by purchase, grant, lease, gift or condemnation pursuant to the eminent domain procedure law, real property in the name of the county for any corporate purpose of the corporation.

3. In addition to any other powers granted to it by law and consistent with the constitution and other provisions of law, the county may, from time to time, appropriate sums of money to defray project costs or any other costs or expenses of the corporation including operating expenses.

Subject to the rights of bondholders, the county may determine if the monies so appropriated shall be subject to repayment by the corporation to the county and, in such event, the manner and time or times for such repayment.

4. In addition to the authority granted elsewhere in this title and by other applicable laws, the corporation and the county may enter into a contract or contracts from time to time providing for one or more of the following:

- (a) the payment of sums appropriated by the county pursuant to subdivision three of this section;
- (b) the payment of sums for health care services provided by the corporation which could otherwise be provided directly by the county, including services for uncompensated care;
- (c) services to be provided by the county to or on behalf of the corporation;
- (d) the transfer of employees of the county to the corporation as provided in [section thirty-three hundred four](#) of this title;
- (e) indemnification by the corporation to the county for claims associated with establishment of and operation of the corporation and its health facilities;
- (f) the gift, grant, sale, conveyance, loan, license or lease by the county to the corporation of any property (except monies appropriated by the county and payable to the corporation pursuant to subdivision three and paragraph (a) of this subdivision) or facilities which are useful in connection with the exercise by the corporation of any of its powers under this title not transferred pursuant to the authority granted in paragraph (a) of subdivision one of this section, which gift, grant, sale, conveyance, loan, license or lease shall nevertheless be subject to paragraph (b) of subdivision one of this section; and
- (g) such other matters as may be appropriate to accomplish the purposes hereof.

Any such contract or contracts shall be authorized by the county by act adopted by majority vote of the county board of legislators and with the approval of the county board of acquisition and contract. Such contract or contracts shall include such terms and conditions, be for such consideration, if any, and have such term or terms of years, as the corporation and the county may agree.

5. On the effective date of the transfer of the facilities and operations of the Westchester County Medical Center pursuant to an agreement between the county and the corporation as authorized in this title, the department shall be abolished. On and after such date, the department of health of the county shall be vested with all power and authority of the department not explicitly or implicitly transferred to the corporation pursuant to this title.

6. (a) Notwithstanding any general, special or local law or charter provisions to the contrary, the county of Westchester shall have the power and is hereby authorized, pursuant to [section seven of article seventeen of the state constitution](#), to lend its money or credit to or in aid of the corporation or any subsidiary thereof for the purpose of providing health related facilities or hospital facilities for the prevention, diagnosis or treatment of human disease, pain, injury, disability, deformity or physical condition, and for facilities incidental or appurtenant thereto as may be prescribed by law. The county is hereby authorized to prescribe such facilities by local law of the county. The corporation or any such subsidiary thereof, as a condition to any such loan of money or credit, shall enter into a regulatory agreement with the county as to its charges, profits, dividends and disposition of its property of franchises, which agreement shall be binding and enforceable by the county insofar as this regulates such charges, profits, dividends and disposition of property. The county may elect in such regulatory agreement to refrain from exercising all or any portion of its authority to so regulate such charges, profits, dividends and disposition of property to the extent such charges, profits, dividends and disposition of property are regulated by the state or any agency thereof. The county shall authorize such regulatory agreement by local law.

(b) In pursuance of the authority granted pursuant to this article, the county shall have the power and is hereby au-

thorized from time to time to issue its bonds, notes or other obligations in such principal amounts as it shall deem necessary, after taking into account other monies which may be available for the purposes set forth in this section. Except as provided for in paragraph (c) of this subdivision, such bonds, notes or obligations shall be issued for the purpose of making loans to the corporation or any subsidiary thereof, paying interest on such bonds, notes or other obligations, establishment of reserves to secure such notes, bonds, or other obligations, and paying all other obligations and expenditures incidental to and necessary or convenient for the making of such loans. Such bonds, notes or obligations shall be issued in accordance with the applicable provisions of this chapter and the local finance law and applicable local laws. The county, in its sole discretion, may, in lieu of the corporation, undertake to perform or complete the corporation's capital project if authorized to do so in the county's capital budget. The corporation shall submit its capital project requests to the county and shall comply with any and all requirements imposed by the county in accordance with the county's capital projects procedures. The corporation shall also provide to the county any and all documentation and information requested by the county with respect to all such capital projects. In the event that the county determines to undertake to perform or complete the corporation's capital project pursuant to this subdivision, such capital project shall be accomplished in such manner as may be authorized by the county. The county may enter into contracts as are necessary to carry out such capital projects on behalf of the corporation, including, but not limited to, contracts for architects, engineers, land surveyors and other consultants, contracts for public works and purchase contracts. With respect to such contracts, the county shall comply with the requirements set forth in article five-A of the general municipal law, provided however the county shall be entitled to utilize the provisions set forth in [subdivisions nine](#) and [ten of section thirty-three hundred three](#) of this article. After the completion of the capital project, the corporation shall annually submit to the budget director and the commissioner of finance of the county a written report detailing and certifying the manner by which the corporation is utilizing the capital project in a manner consistent with the county's issuance of bonds for such project. Such report shall be submitted on or before the first day of March of each year after the project's completion.

(c) The county shall also have the power and is hereby authorized to issue its bonds, notes or other obligations to provide full funding without repayment by the corporation. The county, in its sole discretion, may, in lieu of the corporation undertake to perform or complete capital projects of the corporation, if authorized to do so in the county's capital budget. Such bonds, notes or obligations, if authorized by the county, shall be issued in accordance with the applicable provisions of this chapter, the local finance law and applicable local laws. The corporation shall submit its capital project requests to the county and shall comply with any and all requirements imposed by the county in accordance with the county's capital projects procedures. The corporation shall cooperate with the county and provide to the county any and all documentation and information requested by the county with respect to all such capital projects. In the event that the county determines to undertake to perform or complete the corporation's capital project pursuant to this subdivision, such capital project shall be accomplished in such manner as may be authorized by the county. The county may enter into contracts as are necessary to carry out such capital projects on behalf of the corporation, including, but not limited to, contracts for architects, engineers, land surveyors and other consultants, contracts for public works and purchase contracts. With respect to such contracts, the county shall comply with the requirements set forth in article five-A of the general municipal law, provided however the county shall also be entitled to utilize the provisions set forth in [subdivisions nine](#) and [ten of section thirty-three hundred three](#) of this article. After the completion of the capital project, the corporation shall annually submit to the budget director and the commissioner of finance of the county a written report detailing and certifying the manner by which the corporation is utilizing the capital project in a manner consistent with the county's issuance of bonds for such project. Such report shall be submitted on or before the first day of March of each year after the project's completion.

(d) Any guarantee by the county made pursuant to the authority granted in this section shall be authorized by act or acts of the county in the same manner as such act or acts authorizing the issuance of bonds of the county for the purposes for which such guarantee is undertaken.

(e) The county shall also be authorized to enact laws governing the conditions under which such loans, commitments and guarantees shall be made.

7. For purposes of subdivision four of paragraph a of [section 25.00 of the local finance law](#), amounts to be derived by the county of Westchester from the corporation, or any subsidiary thereof, shall be included in the term “other income”.

8. (a) Notwithstanding the provisions of any other state or local law to the contrary, including, but not limited to, [sections six-n](#) and [six-j of the general municipal law](#), with the approval of the county board of legislators, amounts deposited for or on behalf of the Westchester County Medical Center in the liability and casualty and workers' compensation reserve funds established by the county pursuant to said sections of the general municipal law, and investment earnings thereon, may be withdrawn by the county from such funds and transferred to the corporation and shall be used by the corporation for the purposes for which such funds were established.

(b) No amounts shall be withdrawn and transferred to the corporation pursuant to this subdivision unless prior thereto the corporation has agreed in writing to indemnify and hold harmless the county, and provide defense, for all claims, cases, proceedings, actions or other matters against the county arising out of the properties, facilities, operations or employees of the corporation of the Westchester County Medical Center, whether commenced before or after the date of transfer of said amounts, and to provide such other security for this obligation as the county may reasonably require.

9. [Expires and deemed repealed Aug. 16, 2009, pursuant to [L.2006, c. 593, § 6](#)] The county shall maintain its efforts to provide annual operating funding to the corporation to permit it to serve all uninsured and underinsured patients, foster its role as a teaching hospital, and provide tertiary care services that are unavailable at other health care facilities in the Hudson Valley region. The county shall maintain and provide an operating contribution to the corporation in a three year aggregate amount of eighty-five million dollars contributed between January first, two thousand six and December thirty-first, two thousand eight. The county shall be credited with all contributions, from whatever source derived, paid to or on behalf of the Westchester county health care corporation or paid to employees or contractors of the county for services benefiting the Westchester county health care corporation. The county shall have the right of audit at any time and from time to time to confirm the details of corporate operations. The corporation shall provide monthly financial reports to the county that provide details concerning all business operations for the corporation on a consistent basis. The corporation shall have the right of audit at any time and from time to time to confirm the details of the county's contributions pursuant to this subdivision.

CREDIT(S)

(Added [L.1997, c. 11, § 1](#); amended [L.2005, c. 389, § 1, eff. Aug. 2, 2005](#); [L.2006, c. 593, § 5, eff. Aug. 16, 2006](#).)

HISTORICAL AND STATUTORY NOTES

2010 Electronic Update

L.2006, c. 593 legislation

L.2006, c. 593, § 6, provides:

“This act [amending [Public Health Law § 2807-c](#), subd. 5, par. (b), subpar. (iii), and Public Authorities Law § 3307] shall take effect immediately [Aug. 16, 2006] and shall be deemed repealed three years after such effective date; provided that the amendments to subparagraph (iii) of [paragraph \(b\) of subdivision 5 of section 2807-c of the public health law](#) made by sections one, three and four of this act shall not affect the expiration of such subparagraph and shall be deemed to expire therewith; provided, further, that the provisions of section two of this act shall take effect only upon the expiration and reversion of clause (A) of subparagraph (iii) of [paragraph \(b\) of subdivision 5 of section 2807-c of the public health law](#) pursuant to section 246 of chapter 81 of the laws of 1995, as amended.”

2001 Main Volume

L.1997, c. 11 legislation

Section effective Feb. 11, 1997, pursuant to L.1997, c. 11, § 2.

LIBRARY REFERENCES

2001 Main Volume

[Counties](#)  [110](#).

[C.J.S. Counties §§ 148 to 149](#).

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McKinney's Public Authorities Law § 3307, NY PUB AUTH § 3307

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Chapter 43-A. Of the Consolidated Laws

[Article 10-C](#). New York Health Care Corporations [\(Refs & Annos\)](#)

[Title 1](#). Westchester County Health Care Corporation

→ § 3308. Bonds or notes of the corporation

1. The corporation shall have the power and is hereby authorized from time to time to issue bonds, notes or other obligations to pay the cost of any project or for any other corporate purpose, including the establishment of reserves to secure the bonds, the payment of principal of, premium, if any, and interest on the bonds and the payment of incidental expenses in connection therewith. The corporation shall have the power and is hereby authorized to enter into such agreements and perform such acts as may be required under any applicable federal legislation to secure a federal guarantee or other subsidy with respect to any bonds.
2. The corporation shall have the power from time to time to renew bonds or to issue renewal bonds for such purpose, to issue bonds to pay bonds, and, whenever it deems refunding expedient, to refund any bond by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and may issue bonds, partly to refund bonds then outstanding and partly for any other corporate purpose of the corporation. Bonds issued for refunding purposes shall be sold and the proceeds applied to the purchase, redemption or payment of the bonds or notes to be refunded.
3. Bonds issued by the corporation may be general obligations secured by the faith and credit of the corporation or may be special obligations payable solely out of particular revenues or other monies as may be designated in the proceedings of the corporation under which the bonds shall be authorized to be issued, subject as to priority only to any agreements with the holders of outstanding bonds pledging any particular property, revenues or monies. The corporation may also enter into loan agreements, lines of credit and other security agreements and obtain for or on its behalf letters of credit, insurance, guarantees or other credit enhancements to the extent now or hereafter available, in each case for securing its bonds or to provide direct payment of any costs which the corporation is authorized to pay.
4. (a) Bonds shall be authorized by resolution of the corporation, be in such denominations and bear such date or dates and mature at such time or times, as such resolution may provide, provided that bonds and renewals thereof shall mature within forty years from the date of original issuance of any such bonds.

(b) Bonds shall be subject to such terms of redemption, bear interest at such rate or rates, be payable at such times, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, and be subject to such terms and conditions as such resolution may provide. Notwithstanding any other provision of law, the bonds of the corporation issued pursuant to this section shall be sold to the bidder offering the lowest true interest cost, taking into consideration any premium or discount not less than four nor more than fifteen days, Sunday excepted, after a notice of such sale has been published at least once in a newspaper of general circulation in the area served by the corporation, which shall state the terms of the sale. The terms of the sale may not change unless notice of such change is published in such newspaper at least one day prior to the date of the sale as set forth in the original notice of sale. Advertisements shall contain a

provision to the effect that the corporation, in its discretion, may reject any or all bids made pursuant to such advertisements, and in the event of such rejection, the corporation is authorized to negotiate a private or public sale or readvertise for bids in the form and manner above described as many times as, in its judgment, may be necessary to effect satisfactory sale.

(c) Notwithstanding the provisions of the preceding paragraph, whenever in the judgment of the corporation the interests of the corporation will be served thereby, the directors of the corporation, on the written recommendation of the chairperson may authorize the sale of such bonds at private or public sale on a negotiated basis or on either a competitive or negotiated basis. The corporation shall set guidelines governing the terms and conditions of any such private or public sales. The private or public bond sale guidelines set by the corporation shall include, but not be limited to, a requirement that where the interests of the corporation will be served by a private or public sale of bonds, the corporation shall select underwriters for each private or public bond sale conducted pursuant to a request for proposal process undertaken from time to time and consideration of proposals from qualified underwriters as determined by the corporation.

(d) The corporation shall have the power from time to time to amend such private bond sale guidelines in accordance with the provisions of this subdivision.

(e) In addition to the authority to sell notes at private sale contained hereinabove, the corporation may sell its notes at private negotiated sale to the county, which is hereby authorized to temporarily invest county funds in such notes, provided that such notes mature at or before the time the county expects to expend such funds for the purposes for which such funds were raised.

(f) No private or public bond sale on a negotiated basis shall be conducted by the corporation without prior approval of the state comptroller. The corporation shall annually prepare and approve a bond sale report which shall include the private or public bond sale guidelines as specified in this subdivision, amendments to such guidelines since the last private or public bond sale report, an explanation of the bond sale guidelines and amendments, and the results of any sale of bonds conducted during the fiscal year. Such bond sale report may be a part of any other annual report that the corporation is required to make.

(g) The corporation shall annually submit its bond sale report to the state comptroller and copies thereof to the senate finance committee and the assembly ways and means committee.

(h) The corporation shall make available to the public copies of its bond sale report upon reasonable request thereof.

(i) Nothing contained in this subdivision shall be deemed to alter, affect the validity of, modify the terms of, or impair any contract or agreement made or entered into in violation of, or without compliance with, the provisions of this subdivision.

5. Any resolution or resolutions authorizing bonds or any issue of bonds by the corporation may contain provisions which may be a part of the contract with the holders of the bonds thereby authorized as to:

(a) pledging all or part of the revenues, together with any other monies or property of the corporation to secure the payment of the bonds, or any costs of issuance thereof, including but not limited to, any contracts, earnings or proceeds of any grant to the corporation received from any private or public source subject to such agreements with bondholders as may then exist;

(b) the setting aside of reserves and the creation of sinking funds and the regulation and disposition thereof;

(c) limitations on the purpose to which the proceeds from the sale of bonds may be applied;

- (d) the rates, rents, fees and other charges to be fixed and collected by the corporation and the amount to be raised in each year thereby and the use and disposition of revenues;
- (e) limitations on the right of the corporation to restrict and regulate the use of the project or part thereof in connection with which bonds are issued;
- (f) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding or other bonds;
- (g) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, including the proportion of bondholders which must consent thereto, and the manner in which such consent may be given;
- (h) the creation of special funds into which any revenues or monies may be deposited;
- (i) the terms and provisions of any trust, mortgage, deed or indenture securing the bonds under which the bonds may be issued;
- (j) vesting in a trustee or trustees such properties, rights, powers and duties in trust as the corporation may determine which may include any or all of the rights, powers and duties of the trustees appointed by the bondholders pursuant to this title or limiting the rights, duties and powers of such trustee;
- (k) defining the acts or omissions to act which may constitute a default in the obligations and duties of the corporation to the bondholders and providing for the rights and remedies of the bondholders in the event of such default, including as a matter of right appointment of a receiver, provided, however, that such rights and remedies shall not be inconsistent with the general laws of the state and other provisions of this title;
- (l) limitations on the power of the corporation to sell or otherwise dispose of any project or any part thereof or other property;
- (m) limitations on the amount of revenues and other monies to be expended or operating, administrative or other expenses of the corporation;
- (n) the payment of the proceeds of bonds, revenues and other monies to a trustee or other depository, and for the method of disbursement thereof with such safeguards and restrictions as the corporation may determine; and
- (o) any other matters of like or different character which in any way affect the security or protection of the bonds or the rights and remedies of the bondholders.

6. In addition to the powers herein conferred upon the corporation to secure its bonds, the corporation shall have the power in connection with the issuance of bonds to adopt resolutions and enter into such trust indentures, agreements or other instruments as the corporation may deem necessary, convenient or desirable concerning the use or disposition of its revenues or other monies or property, including the mortgaging of any property and the entrusting, pledging or creation of any other security interest in any such revenues, monies or property and the doing of any act, including refraining from doing any act which the corporation would have the right to do in the absence of such resolutions, trust indentures, agreements or other instruments. The corporation shall have power to enter into amendments of any such resolutions, trust indentures, agreements or other instruments within the powers granted to the corporation by this title and to perform such resolutions, trust indentures, agreements or other instruments. The pro-

visions of any such resolutions, trust indentures, agreements or other instruments may be made a part of the contract with the holders of bonds of the corporation.

7. Any provision of the uniform commercial code to the contrary notwithstanding, any pledge of or other security interest in revenues, monies, accounts, contract rights, general intangibles or other personal property made or created by the corporation shall be valid, binding and perfected from the time when such pledge is made or other security interest attaches without any physical delivery of the collateral or further act, and the lien of any such pledge or other security interest shall be valid, binding and perfected against all parties having claims of any kind in tort, contract or otherwise against the corporation irrespective of whether or not such parties have notice thereof. No instrument by which such a pledge or security interest is created nor any financing statement need be recorded or filed.

8. Whether or not the bonds of the corporation are of such form and character as to be negotiable instruments under the terms of the uniform commercial code, the bonds are hereby made negotiable instruments within the meaning of and for all the purposes of the uniform commercial code, subject only to the provisions of the bonds for registration.

9. Neither the directors nor the non-voting representatives nor the officers of the corporation nor any person executing its bonds shall be liable personally on its bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

10. Subject to such agreements with bondholders as may then exist, the corporation shall have power out of any funds available therefor to purchase bonds of the corporation, in lieu of redemption, at a price not exceeding, if the bonds are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date, or, if the bonds are not then redeemable, the redemption price applicable on the first date after such purchase upon which the bonds become subject to redemption plus accrued interest to the next interest payment date. Bonds so purchased shall thereupon be canceled.

11. The corporation shall have power and is hereby authorized to issue negotiable bond anticipation notes in conformity with applicable provisions of the uniform commercial code and may renew the same from time to time but the maximum maturity of any such note, including renewals thereof, shall not exceed five years from the date of issue of such original note.

CREDIT(S)

(Added [L.1997, c. 11, § 1.](#))

HISTORICAL AND STATUTORY NOTES


2001 Main Volume

L.1997, c. 11 legislation

Section effective Feb. 11, 1997, pursuant to L.1997, c. 11, § 2.

LIBRARY REFERENCES

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[States](#)  [144](#), [148](#) to [154](#).
[C.J.S. States §§ 250, 252 to 258.](#)

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McKinney's Public Authorities Law § 3308, NY PUB AUTH § 3308

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[Title 1](#). Westchester County Health Care Corporation

→ § 3309. Remedies of bondholders

Subject to any resolution or resolutions adopted pursuant to this title:

1. In the event that the corporation shall default in the payment of principal of or interest on any issue of bonds after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the corporation shall fail or refuse to comply with the provisions of this title or shall default in any agreement made with the holders of any issue of bonds, the holders of twenty-five percent in aggregate principal amount of the bonds of such issue then outstanding, by instrument or instruments filed in the office of the clerk of the county in which the principal office of the corporation is located and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of such bonds for the purpose herein provided.

2. Such trustee may, and upon written request of the holders of twenty-five per centum in principal amount of such bonds outstanding shall, in its own name:

(a) by action or proceeding in accordance with the civil practice law and rules, enforce all rights of the bondholders, including the right to require the corporation to collect rents, rates, fees and charges adequate to carry out any agreement as to, or pledge of, such rents, rates, fees and charges and to require the corporation to carry out any other agreements with the holders of such bonds to perform its duties under this title;

(b) bring an action or proceeding upon such bonds;

(c) by action or proceeding, require the corporation to account as if it were the trustee of an express trust for the holders of such bonds;

(d) by action or proceeding, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds; and

(e) declare all such bonds due and payable, and if all defaults shall be made good, then with the consent of the holders of the twenty-five per centum of the principal amount of such bonds then outstanding, to annul such declaration and its consequences.

3. Such trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of bondholders in the enforcement and protection of their rights.

4. The supreme court shall have jurisdiction of any action or proceeding by the trustee on behalf of such bondholders. The venue of any such action or proceeding shall be laid in the county.

5. Before declaring the principal of bonds due and payable, the trustee shall first give thirty days notice in writing to the corporation.

6. Any such trustee, whether or not the issue of bonds represented by such trustee has been declared due and payable, shall be entitled as of right to the appointment of any receiver of any part or parts of the project, the revenues of which are pledged for the security of the bonds of such issue, and such receiver may enter and take possession of such part or parts of the project and, subject to any pledge or agreement with the holders of such bonds, shall take possession of all monies and other property derived from such part or parts of the project and proceed with any construction thereon or the acquisition of any property, real or personal, in connection therewith that the corporation is under obligation to do, and to operate, maintain and reconstruct such part or parts of the project and collect and receive all revenues thereafter arising therefrom subject to any pledge or agreement with bondholders relating thereto and perform the public duties and carry out the agreements and obligations of the corporation under the direction of the court. In any suit, action or proceeding by the trustee, the fees, counsel fees and expenses of the trustee and of the receiver, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the court shall be a first charge on any revenues derived from the properties.

CREDIT(S)

(Added [L.1997, c. 11, § 1.](#))

HISTORICAL AND STATUTORY NOTES

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L.1997, c. 11 legislation

Section effective Feb. 11, 1997, pursuant to L.1997, c. 11, § 2.

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[States](#)  [168.](#)
[C.J.S. States § 252.](#)

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McKinney's Public Authorities Law § 3309, NY PUB AUTH § 3309

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→ § 3310. **State and county not liable on corporation bonds**

(a) The state shall not be liable on the bonds or notes of the corporation and such bonds or notes shall not be a debt of the state, and such bonds and notes shall contain on the face thereof a statement to such effect.

(b) Except as may be authorized by the county pursuant to [section seven of article seventeen of the state constitution](#) and [section thirty-three hundred eight](#) of this title, the county shall not be liable on the bonds or notes of the corporation and such bonds or notes shall not be a debt of the county, and such bonds and notes shall contain on the face thereof a statement to such effect or a statement describing the county liability thereon, if any.

CREDIT(S)

(Added [L.1997, c. 11, § 1.](#))

HISTORICAL AND STATUTORY NOTES

2001 Main Volume

L.1997, c. 11 legislation

Section effective Feb. 11, 1997, pursuant to L.1997, c. 11, § 2.

McKinney's Public Authorities Law § 3310, NY PUB AUTH § 3310

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[Article 10-C](#). New York Health Care Corporations [\(Refs & Annos\)](#)[Title 1](#). Westchester County Health Care Corporation**→ § 3311. Monies of the corporation**

All monies of the corporation from whatever source derived shall be paid to the treasurer of the corporation and shall be deposited forthwith in a bank or banks designated by the corporation. The monies in such accounts shall be paid out or withdrawn on the order of such person or persons as the corporation may authorize to make such requisitions. All deposits of such monies shall be secured by obligations of the United States or of the state or of any municipality of a market value equal at all times to the amount on deposit and all banks and trust companies are authorized to give such security for such deposits. Alternatively, monies of the corporation may be deposited in money market funds rated in the highest short term or long term rating category by at least one nationally recognized rating agency. To the extent practicable, consistent with the cash requirements of the corporation, all such monies shall be deposited in interest bearing accounts. The corporation shall have power, notwithstanding the provisions of this section, to contract with the holders of any bonds as to the custody, collection, security, investment and payment of any monies of the corporation or any monies held in trust or otherwise for the payment of bonds or any way to secure bonds, and carry out any such contract notwithstanding that such contract may be inconsistent with the provisions of this section. Monies held in trust or otherwise for the payment of bonds or in any way to secure bonds and deposits of such monies may be secured in the same manner as monies of the corporation and all banks and trust companies are authorized to give such security for such deposits. Any monies of the corporation not required for immediate use or disbursement may, at the discretion of the corporation, be invested in accordance with guidelines established by the corporation's board and amended from time to time. Subject to the provisions of any contract with bondholders and with the approval of the state comptroller, the corporation shall prescribe a system of accounts.

CREDIT(S)

(Added [L.1997, c. 11, § 1.](#))

HISTORICAL AND STATUTORY NOTES

2001 Main Volume

L.1997, c. 11 legislation

Section effective Feb. 11, 1997, pursuant to L.1997, c. 11, § 2.

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[Deposits and Escrows](#)  [31](#), [32](#).

[C.J.S. Depositaries §§ 8](#), 9(1) to 9(9).

In a caselaw database, run TO(122A) or 122Ak[add key number] to retrieve cases related to Deposits and Escrows.

McKinney's Public Authorities Law § 3311, NY PUB AUTH § 3311

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[Article 10-C](#). New York Health Care Corporations [\(Refs & Annos\)](#)

[Title 1](#). Westchester County Health Care Corporation

→ § 3312. **Bonds; legal investment for fiduciaries**

The bonds of the corporation are hereby made securities in which all public officers and bodies of the state and all municipalities, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and saving associations, including savings and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, and administrators, guardians, executors, trustees and other fiduciaries and all other persons whatsoever, who are now or may hereafter be authorized to invest in bonds or other obligations of the state may properly and legally invest funds including capital in their control or belonging to them. The bonds are also hereby made securities which may be deposited with and may be received by all public officers and bodies of the state and all municipalities for any purposes for which the deposit of bonds or other obligations of this state is now or hereafter may be authorized.

CREDIT(S)

(Added [L.1997, c. 11, § 1.](#))

HISTORICAL AND STATUTORY NOTES

2001 Main Volume

L.1997, c. 11 legislation

Section effective Feb. 11, 1997, pursuant to L.1997, c. 11, § 2.

McKinney's Public Authorities Law § 3312, NY PUB AUTH § 3312

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→ § 3313. **Agreement with state**

The state does hereby pledge to and agree with the holders of any bonds issued by the corporation pursuant to this title and with those persons or public corporations who may enter into contracts with the corporation pursuant to the provisions of this title that the state will not alter, limit or impair the rights hereby vested in the corporation to purchase, construct, own and operate, maintain, repair, improve, reconstruct, renovate, rehabilitate, enlarge, increase and extend, or dispose of any project, or any part or parts thereof for which bonds of the corporation shall have been issued, to establish and collect rates, rents, fees and other charges referred to in this title, to fulfill the terms of any contracts or agreements made with or for the benefit of the holders of bonds or with any person or public corporation with reference to such project or part thereof, or in any way to impair the rights and remedies of the holders of bonds, until the bonds, together with interest thereon, including interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of the holders of bonds, are fully met and discharged and such contracts are fully performed on the part of the corporation. The corporation is authorized to include this pledge and agreement of the state in any agreement with the holders of bonds.

CREDIT(S)

(Added [L.1997, c. 11, § 1.](#))

HISTORICAL AND STATUTORY NOTES

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L.1997, c. 11 legislation

Section effective Feb. 11, 1997, pursuant to L.1997, c. 11, § 2.

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[States](#)  [152.](#)

[C.J.S. States § 254.](#)

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McKinney's Public Authorities Law § 3313, NY PUB AUTH § 3313

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→ § 3314. **Agreement with county**

The county is authorized to pledge to and agree with the holders of any bonds issued by the corporation pursuant to this title and with those persons or public corporations who may enter into contracts with the corporation pursuant to the provisions of this title that the county will not alter, limit or impair the rights hereby vested in the corporation to purchase, construct, own and operate, maintain, repair, improve, reconstruct, renovate, rehabilitate, enlarge, increase and extend, or dispose of any project, or any part or parts thereof, for which bonds of the corporation shall have been issued, to establish, collect and adjust rates, rents, fees and other charges referred to in this title, to fulfill the terms of any agreements made with the holders of the bonds or with any public corporation or person with reference to such project or part thereof, or in any way impair the rights and remedies of the holders of bonds, until the bonds, together with interest thereon, including interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of the holders of bonds, are fully met and discharged and such contracts are fully performed on the part of the corporation.

CREDIT(S)

(Added [L.1997, c. 11, § 1.](#))

HISTORICAL AND STATUTORY NOTES

2001 Main Volume

L.1997, c. 11 legislation

Section effective Feb. 11, 1997, pursuant to L.1997, c. 11, § 2.

McKinney's Public Authorities Law § 3314, NY PUB AUTH § 3314

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[Article 10-C](#). New York Health Care Corporations [\(Refs & Annos\)](#)

[Title 1](#). Westchester County Health Care Corporation

→ § 3315. Tax exemption and tax contract by the state

1. It is hereby determined that the creation of the corporation and the carrying out of its corporate purposes is in all respects for the benefit of the people of the state of New York and is a public purpose. Accordingly, the corporation shall be regarded as performing an essential governmental function in the exercise of the powers conferred upon it by this title, and the corporation shall not be required to pay any fees, taxes, special ad valorem levies or assessments of any kind, except as provided pursuant to the public health law, whether state or local, including but not limited to fees, taxes, special ad valorem levies or assessments on real property, franchise taxes, sales taxes or other taxes, upon or with respect to any property owned by it or under its jurisdiction, control or supervision, or upon the uses thereof, or upon or with respect to its activities or operations in furtherance of the powers conferred upon it by the title, or upon or with respect to any fares, tolls, rentals, rates, charges, fees, revenues or other income received by the corporation. Provided, however, that any real property owned or acquired by the corporation outside of the county shall be exempt from real property taxes, ad valorem levies or special assessments only pursuant to and to the extent provided by an agreement with the governing body of the municipality in which such real property is located. Provided, further, subsidiaries of the corporation are not included within the foregoing exemption.

2. Any bonds issued pursuant to this title together with the income therefrom shall at all times be exempt from taxation.

3. The state hereby covenants with the purchasers and with all subsequent holders and transferees of bonds issued by the corporation pursuant to this title, in consideration of the acceptance of and payment for the bonds, that the bonds of the corporation issued pursuant to this title and the income therefrom and all revenues, monies, and other property pledged to pay or to secure the payment of such bonds shall at all times be free from taxation.

4. The corporation may pay, or may enter into agreements with the county or any municipality to pay, a sum or sums annually or otherwise or to provide other considerations with respect to real property owned by the corporation located within the county or such municipality.

CREDIT(S)

(Added [L.1997, c. 11, § 1.](#))

HISTORICAL AND STATUTORY NOTES

2001 Main Volume

L.1997, c. 11 legislation

Section effective Feb. 11, 1997, pursuant to L.1997, c. 11, § 2.

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[Taxation](#) 217, 218.

[C.J.S. Taxation §§ 254, 260 to 261.](#)

In a caselaw database, run TO(371) or 371k[add key number] to retrieve cases related to Taxation.

McKinney's Public Authorities Law § 3315, NY PUB AUTH § 3315

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[Title 1](#). Westchester County Health Care Corporation

→ § 3316. **Actions against corporation**

1. Except in an action for wrongful death, no action or special proceeding shall be prosecuted or maintained against the corporation, its members, officers or employees for personal injury or damage to real or personal property alleged to have been sustained by reason of the negligence, tort or wrongful act of the corporation or of any member, officer, agent or employee thereof, unless (a) notice of claim shall have been made and served upon the corporation within the time limit set by and in compliance with [section fifty-e of the general municipal law](#), (b) it shall appear by and as an allegation in the complaint or moving papers that at least thirty days have elapsed since the service of such notice and that adjustment or payment thereof has been neglected or refused, (c) the action or special proceeding shall be commenced within one year and ninety days after the happening of the event upon which the claim is based, and (d) an action, against the corporation for wrongful death shall be commenced in accordance with the notice of claim and time limitation provisions of title eleven of article nine of this chapter.
2. Whenever a notice of claim is served upon the corporation, it shall have the right to demand an examination of the claimant relative to the occurrence and extent of the injuries or damages for which claim is made, in accordance with the provisions of [section fifty-h of the general municipal law](#).
3. The corporation may require any person presenting for settlement an account or claim for any cause whatsoever against the corporation to be sworn before a director, counsel or an attorney, officer or employee of the corporation designated for such purpose, concerning such account or claim and, when so sworn, to answer orally as to any facts relative to such account or claim. The corporation shall have power to settle or adjust all claims in favor of or against the corporation.
4. Any action or proceeding to which the corporation or the people of the state may be parties, in which any question arises as to the validity of this title, shall be preferred over all other civil causes of action or cases, except election causes of action or cases, in all courts of the state and shall be heard and determined in preference to all other civil business pending therein except election causes, irrespective of position on the calendar. The same performance shall be granted upon application of the corporation or its counsel in any action or proceeding questioning the validity of this title in which the corporation may be allowed to intervene. The venue of any such action or proceeding shall be laid in the supreme court of the county.
5. The rate of interest to be paid by the corporation upon any judgment for which it is liable, other than a judgment on its bonds, shall be the rate prescribed by [section five thousand four of the civil practice law and rules](#). Interest on payments of principal or interest on any bonds in default shall accrue at the rate borne by such bonds from the due date thereof until paid or otherwise satisfied.

6. All actions or proceedings against the corporation of whatever nature shall be brought in the county.

CREDIT(S)

(Added [L.1997, c. 11, § 1.](#))

HISTORICAL AND STATUTORY NOTES


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L.1997, c. 11 legislation

Section effective Feb. 11, 1997, pursuant to L.1997, c. 11, § 2.

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[States](#)  [195, 200.](#)
[C.J.S. States §§ 310, 315.](#)

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RESEARCH REFERENCES

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ALR Library

[80 ALR 2nd 368](#), When Statute of Limitations Commences to Run Against Malpractice Action Against Physician, Surgeon, Dentist, or Similar Practitioner.

Encyclopedias

[NY Jur. 2d, Malpractice § 233](#), Application of Rule; Illustrative Cases Holding Rule Applicable--Illustrative Cases Holding Rule Not Applicable.

NOTES OF DECISIONS

Limitations [1](#)

[1](#). Limitations

One-year and 90-day limitations period for filing medical malpractice claim against medical care providers and county health care center was not tolled under continuous course of treatment doctrine, where patient's conclusory statement that he intended to see provider after date of his last personal visit was insufficient to establish that he contemplated future course of treatment with defendants, given that he failed to show he had scheduled a future appointment with defendants; rather, patient began a course of treatment with nonparty medical providers who had no agency or other relationship with defendants. [Williams v. Azeez \(2 Dept. 2002\) 300 A.D.2d 654, 753 N.Y.S.2d 93.](#)

[Limitation Of Actions](#)  55(3)

McKinney's Public Authorities Law § 3316, NY PUB AUTH § 3316

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→ § 3317. **Audit and annual reports**

1. In conformity with the provisions of [section five of article ten of the constitution](#), the accounts of the corporation shall be subject to the supervision of the state comptroller and an annual audit shall be performed by an independent certified public accountant. The corporation shall annually submit to the county board of legislators, county executive, governor and the state comptroller and to the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee a detailed report pursuant to the provisions of [section twenty-eight hundred](#) of this chapter, and a copy of such report shall be filed with the clerk of the county board of legislators and the county executive.

2. The corporation shall report on an annual basis the following information: the name, principal business address and principal business activities of each subsidiary of the corporation; the name of all board members and officers of each subsidiary; the number of employees of each subsidiary; a list of all contracts in excess of one hundred thousand dollars entered into by the corporation and its subsidiaries identifying the amount, purpose and duration of such contract; and a financial statement, income statement, and balance sheet performed by an independent certified public accountant all in accordance with generally accepted accounting principles of the corporation and each of its subsidiaries. At the time the reports required by subdivision one of this section are submitted, such reports shall be provided to the governor, the speaker of the assembly, the temporary president of the senate and a copy of such report shall be filed with the clerk of the county board of legislators and the county executive.

CREDIT(S)

(Added [L.1997, c. 11, § 1.](#))

HISTORICAL AND STATUTORY NOTES

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L.1997, c. 11 legislation

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[Title 1](#). Westchester County Health Care Corporation

→ § 3318. **Defense and indemnification**

The corporation shall not execute any of its powers, including the special powers authorized by [section 3306](#) of this article, except as necessary to commence its corporate existence, until it has elected to make the provision of [section eighteen of the public officers law](#) applicable to its employees (as such term is defined in [section eighteen of the public officers law](#)) pursuant to subdivision two of such section; provided, however, that nothing contained within this section shall be deemed to permit the corporation to extend the provisions of [section eighteen of the public officers law](#) upon any independent contractor.

CREDIT(S)

(Added [L.1997, c. 11, § 1.](#))

HISTORICAL AND STATUTORY NOTES

2001 Main Volume

L.1997, c. 11 legislation

Section effective Feb. 11, 1997, pursuant to L.1997, c. 11, § 2.

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[States](#)  [62](#).

[C.J.S. States](#) §§ [47](#), [104](#) to [107](#).

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→ § 3319. **Transfer of applications, proceedings, approvals and permits**

1. Any application, review or process in relation to or in furtherance of the purposes of or contemplated by this title heretofore filed or undertaken, or any proceeding heretofore commenced or any determination, finding or award made, by the county or by the county with the federal government, the state department of health or any other public corporation shall inure to and for the benefit of the corporation to the same extent and in the same manner as if the corporation has been a party to such application, review, process, or proceeding from its inception, and the corporation shall be deemed a party thereto, to the extent not prohibited by any federal law. Any license, approval, permit, determination, finding, award or decision heretofore or hereafter issued or granted pursuant to or as a result of any such application, review, process or proceeding shall inure to the benefit of and be binding upon the corporation and shall be assigned and transferred by the county to the corporation unless such assignment and transfer is prohibited by federal law.

2. All such applications, proceedings, licenses, approvals, permits, determinations, findings, awards and decisions shall further inure to and for the benefit of and be binding upon any person leasing, acquiring, financing, constructing, maintaining, operating, using or occupying any facility transferred by the county to the corporation pursuant to this title.

CREDIT(S)

(Added [L.1997, c. 11, § 1.](#))

HISTORICAL AND STATUTORY NOTES

2001 Main Volume

L.1997, c. 11 legislation

Section effective Feb. 11, 1997, pursuant to L.1997, c. 11, § 2.

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[Licenses](#)  [37.](#)

[C.J.S. Licenses](#) § 49.

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McKinney's Public Authorities Law § 3319, NY PUB AUTH § 3319

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[Article 10-C](#). New York Health Care Corporations [\(Refs & Annos\)](#)

[Title 1](#). Westchester County Health Care Corporation

→ § 3320. **Separability**

If any clause, sentence, paragraph, section, or part of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

CREDIT(S)

(Added [L.1997, c. 11, § 1.](#))

HISTORICAL AND STATUTORY NOTES

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L.1997, c. 11 legislation

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McKinney's Public Authorities Law § 3320, NY PUB AUTH § 3320

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Chapter 43-A. Of the Consolidated Laws

[↗ Article 10-C](#). New York Health Care Corporations [\(Refs & Annos\)](#)[↗ Title 1](#). Westchester County Health Care Corporation**→ § 3321. Applicability of law**

The provisions of this title shall be subject to the provisions of the civil practice law and rules, the public health law, the mental hygiene law, the social services law, the education law and any other applicable law or regulation, including any amendment thereto provided, however, nothing in this section shall require the county or corporation to seek approval or consent for any transfer pursuant to [sections thirty-three hundred seven](#) and [thirty-three hundred nineteen](#) of this title.

CREDIT(S)

(Added [L.1997, c. 11, § 1.](#))

HISTORICAL AND STATUTORY NOTES

2001 Main Volume

L.1997, c. 11 legislation

Section effective Feb. 11, 1997, pursuant to L.1997, c. 11, § 2.

McKinney's Public Authorities Law § 3321, NY PUB AUTH § 3321

Current through the Laws of 2009.

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