

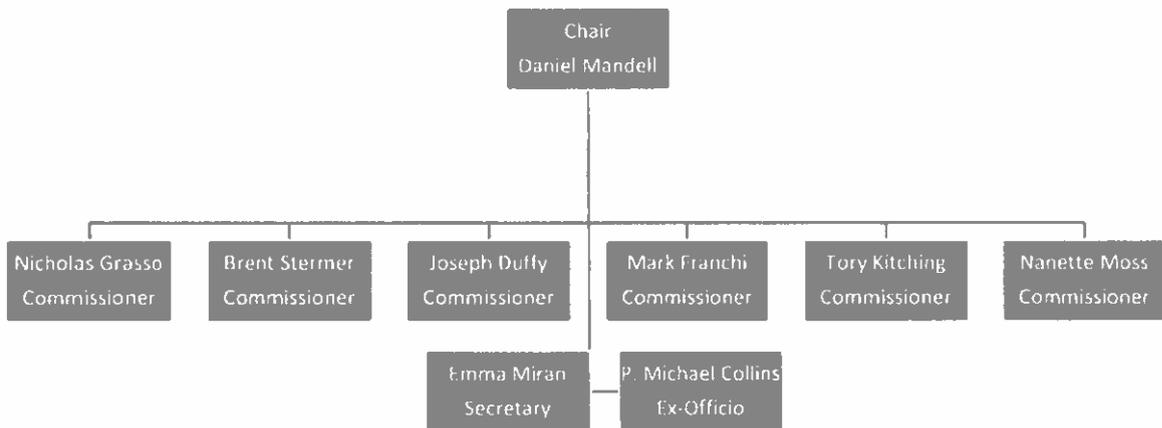
**Elmira Urban Renewal Agency**  
**Annual Report**  
**2022**

317 E. Church Street

Elmira, NY 14901

Website: [https://www.cityofelmira.net/?page\\_id=942](https://www.cityofelmira.net/?page_id=942)

## Board of Directors



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## Contracted Professional Services

- ❖ Insero & Co. CPAs, LLP

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## Board Member Biographies

- ❖ See Appendix

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## Meeting Attendance

*February 24, 2022*

Committee members present were Commissioner Stermer, Commissioner Moss, Commissioner Franchi, Commissioner Grasso, City Chamberlain Cattan, City Manager Collins, Secretary Miran.

Committee members absent were Commissioner Kitching and Chairperson Mandell

May 5, 2022

Committee members present were Commissioner Stermer, Commissioner Moss, Commissioner Grasso, City Chamberlain Cattan, City Manager Collins, Secretary Miran

Committee members absent were Chairperson Mandell, Commissioner Kitching, Commissioner Franchi

May 23, 2022

Committee members present were Chairperson Mandell, Commissioner Kitching, Commissioner Stermer, Commissioner Moss, Commissioner Grasso, City Chamberlain Cattan, City Manager Collins, Secretary Miran

Committee members absent were Commissioner Franchi

August 25, 2022

Committee members present were Chairperson Mandell, Commissioner Stermer, Commissioner Grasso, Secretary Miran

Committee members absent were Commissioner Franchi, Commissioner Kitching, Commissioner Moss

September 12, 2022

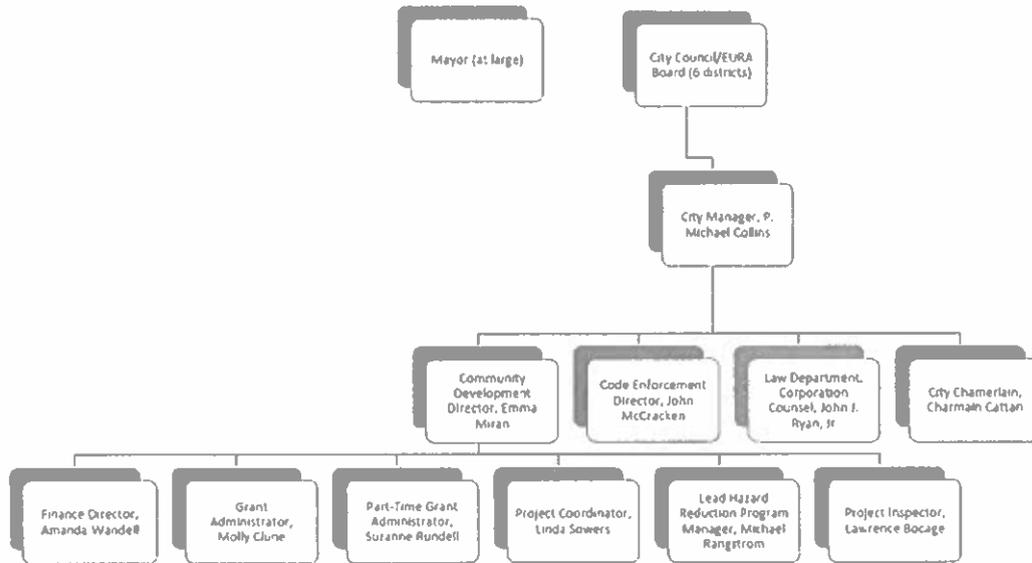
Committee members present were Chairperson Mandell, Commissioner Stermer, Commissioner Moss, Commissioner Franchi, Commissioner Grasso, Commissioner Duffy, Secretary Miran

Committee members absent were Commissioner Kitching

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## Corporation Organization Chart

**City of Elmira  
Department of Community Development  
Elmira Urban Renewal Agency  
Organizational Chart**



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### Mission Statement and Measurement Report

❖ See Appendix

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### Corporate Purpose

As contained within the Elmira Urban Renewal's By-laws

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### Legislation that Forms the Statutory Basis of the Corporation

Article XV-A of the General Municipal Law of the State of New York.

❖ See Appendix

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**By Laws**

❖ See Appendix

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**Code of Ethics**

❖ See Appendix

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**Units or Subsidiaries of the Corporation**

The corporation has no units or subsidiaries in fiscal year 2021

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**Annual Investment Report**

The Elmira Urban Renewal Agency currently does not own any investments.

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**Operations Summary & Accomplishments**

In 2022 there was no activity for the Elmira Urban Renewal Agency. There were no acquisitions or dispositions of property during the year.

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**Programs and Incentives**

There are currently no programs or incentives for the Elmira Urban Renewal Agency.

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**Material Changes in Operations and Programs**

Year ending December 2022 there were no material changes in operations and programs for the Elmira Urban Renewal Agency.

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**Project Report**

In 2022 The Elmira Urban Renewal Agency had no activity and therefore no acquisitions, or dispositions are reported.

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**Real Property Report**

In 2022 The Elmira Urban Renewal Agency had no activity and therefore no acquisitions, or dispositions are reported.

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**Financial Report**

❖ See Appendix

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**APPENDIX Contains the following documents**

- 1. Board Member Biographies**
- 2. By-Laws**
- 3. Code of Ethics**
- 4. Mission Statement and Measurement Report**
- 5. Evaluation of Board Performance**
- 6. Article XV-A of the General Municipal Law of the State of New York.**
- 7. Financial Report**

**Appendix 1: Board Member Biographies**

First District: Nicholas Grasso

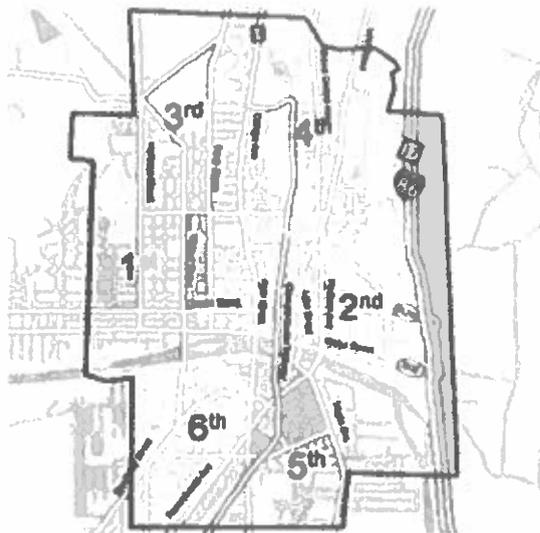
Second District: Brent A. Stermer

Third District: Joseph H. Duffy

Fourth District: Mark Franchi

Fifth District: Tory Kitching

Sixth District: Nanette M. Moss



**Appendix 2: Bylaws**

**BY-LAWS OF THE ELMIRA URBAN RENEWAL AGENCY  
ELMIRA, NEW YORK**

**ARTICLE I – THE AGENCY**

- Section 1.     Name of Agency. The name of the Agency shall be the “Elmira Urban Renewal Agency”.
- Section 2.     Members. The Agency shall consist of seven (7) voting members: the Mayor who shall be its Chairman and the six (6) City Councilmen, collectively to be referred to as “The Agency”. The City Manager will serve in an ex-officio capacity.
- Section 3.     Seal of the Agency. The seal of the Agency shall be in the form of a circle and shall bear the inscription of Elmira Urban Renewal Agency and the year of its formation.
- Section 4.     Office of the Agency. The office of the Agency shall be at 302 East Church Street<sup>1</sup>, Elmira, New York, or at such other place or places as the Agency may, from time to time, designate by resolution. All books and records of the Agency shall be kept at the office herein above designated, unless otherwise provided by Agency resolution.

**ARTICLE II – OFFICERS**

The officers of the Agency shall be a Chairman, Vice-Chairman, Secretary and Treasurer. The Agency may also from time to time appoint such other officers as the Agency may require, and fix their duties, powers and terms of office.

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<sup>1</sup> Urban Renewal Agency address changed to 307 E. Church Street, Elmira, New York, August 1974.

*ARTICLE III*  
*POWERS AND DUTIES OF OFFICERS*

CHAIRMAN

The Chairman shall preside at all meetings of the Agency. Except as otherwise authorized by resolution of the Agency, the Chairman shall sign all bonds, contracts, deed or other instruments made by the Agency.

VICE-CHAIRMAN

The Acting Mayor shall be the Vice-Chairman and shall perform all of the duties of the Chairman (including the signing of documents as provided above) in the absence of the Chairman, and during a vacancy in the office of Chairman.

SECRETARY

The Agency shall appoint a Secretary. The Secretary shall keep the records of the Agency, shall sit as Secretary at its meetings, shall record names of individuals in attendance, and record all votes, and shall keep a record of the proceedings of the Agency in a minute book to be kept for such purposes. He shall keep in safe custody the seal of the Agency and shall have power to affix such seal to all contracts and instruments authorized to be executed by the Agency, and to attest to the authenticity thereof, and to certify as to the authenticity of copies thereof. The Agency shall appoint a Deputy Secretary to carry out all of the duties of the Secretary in case of his absence or incapacity. The Secretary and Deputy Secretary need not be a member of the Agency.

TREASURER

The Agency shall appoint or contract for a Treasurer who shall be responsible to the Agency and who shall have care and joint custody of all funds of the Agency and shall deposit the same in the name of the Agency in such bank or banks as the Agency shall select. He shall keep or supervise the keeping, of books of account according to a Uniform System of Accounts for Municipalities and shall render to the Agency at each regular meeting, and more often when required, an account of the transactions and also the financial condition of the Agency. He shall countersign all checks, notes or other instruments for the payment of funds of the Agency. He shall

perform such other duties as are incidental to his office and as from time to time may be imposed upon him by resolution of the Agency.

#### ATTORNEY

The Agency shall appoint or contract for an Attorney who shall be responsible to the Agency. He shall be the legal advisor to the Agency and the Director of Urban Renewal, the Treasurer and other officials of the Agency. He shall furnish opinions or written reports on any question of law involving the Agency. He shall draw or approve all bonds, contracts, deeds or other instruments to which the Agency is a party or in which it has an interest.

#### OTHER EMPLOYEES

Such other employees as the Agency shall determine are necessary for the proper administration of the urban renewal program shall be appointed, and shall be subject to removal with the approval of the Agency.

#### POWERS AND DUTIES OF MEMBERS

The powers and duties of the members of the Agency shall be as set forth in Article XV-A of the General Municipal Law of the State of New York.

The members of the Agency shall perform such duties as are incumbent upon them by reason of their office and shall perform such other duties and functions as may from time to time be required by the Agency or the By-laws, or which may arise by reason of their appointment to serve on committees functioning within the Agency or in cooperation with other persons or groups.

#### *ARTICLE IV – VACANCIES OF OFFICERS*

Should any vacancy among the officers occur by death, resignation or otherwise, the vacancy shall be filled in accordance with the special act creating the Agency<sup>2</sup>.

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<sup>2</sup> November 10, 1966, by Resolution No. 32, this was amended by deleting the words "as provided by the General Municipal Law" and substituting "in accordance with the special act creating the Agency".

***ARTICLE V – DIRECTOR OF URBAN RENEWAL***

The Agency shall employ a Director of Urban Renewal. Such Director shall serve at the pleasure of the Agency. His compensation shall be as fixed from time to time by the Agency.

The Director of Urban Renewal shall be responsible to the Agency for all normal administrative functions of the Agency. He shall exercise general management and direction of the facilities and business affairs of the Agency. He shall see that all federal, state and local laws and regulations relating to Urban Renewal together with all orders and regulations of the Agency are faithfully enforced and executed.

He shall:

- (a) act as the official representative of the Agency with respect to all communications with the Department of Housing and Urban Development, Urban Renewal Administration and the State of New York Division of Housing and Community Renewal;
- (b) attend all regular and special meetings of the Agency with the right to take part in the discussions, but without the right to vote;
- (c) keep the Agency advised as to all matters affecting its business and present a report at each regular meeting of the Agency;
- (d) approve all bills and vouchers for payment subject to pre-audit and control as provided by federal, state and local laws and regulations of the Agency;
- (e) countersign, with the Treasurer, all checks and other instruments for the payment of funds by the Agency;
- (f) have joint custody, with the Treasurer of all funds of the Agency and shall deposit same in such bank or banks as the Agency may designate;
- (g) subject to federal and state laws and regulations and the orders and regulations of the Agency employ or contract from time to time with such special and technical experts, consultants, agents and employees as may be necessary for the proper business of the Agency and fix their compensation as provided by law or resolution of the Agency;

- (h) maintain a continuing review and analysis of budget operations, work programs and costs of the Agency;
- (i) act as the official liaison between the Agency and the Elmira City Council, City Manager, Planning Board, news media and the public;
- (j) prepare and serve all notices of Agency meetings as provided in these by-laws; and
- (k) perform such other duties as may be required of the Agency by federal or state law or by the resolution of the Agency;
- (l) prepare or cause to be prepared a statement, in such form and manner as the Agency may approve, of all accounts presented for payment or currently chargeable against the Agency, all vouchers, bills or claims of whatever kind or nature, prior to the regular meetings of the Agency, for the purpose of auditing and approving said accounts for payment. In no event shall the Director of Urban Renewal pay or cause to be paid any such account prior to the approval of the Agency.<sup>3</sup> Amounts up to \$500 may be paid prior to audit, when in the opinion of two of the signatories, that a special condition exists and all amounts paid in the above manner shall appear on the audit following payment<sup>4</sup>.

#### *ARTICLE VI – MEETINGS*

Section 1. General Provisions. All meetings shall be held in the Chambers of the Council of the City of Elmira in the City Hall of the City of Elmira, unless some other meeting place is specifically designated<sup>5</sup>.

Section 2. Annual Meetings. The annual meeting of the Agency shall be held on January 1, for the purposes of receiving the annual report of the

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<sup>3</sup> This section (l) was added to the By-Laws by an amendment approved April 23, 1970. Resolution No. 292. It was re-enacted by Resolution No. 504 dated September 21, 1971.

<sup>4</sup> This sentence was added by Resolution No. 528 dated November 8, 1971.

<sup>5</sup> This section was added by an amendment dated September 21, 1971, Resolution No. 503 and replaced "All meetings shall be held at the office of the Agency in the absence of the specific designation of some other meeting place in a resolution passed at a prior meeting. In the event that the date for any annual or regular meeting shall fall on a legal holiday, the meeting shall be held on the next succeeding secular day at the place and time designated in the resolution".

Director of Urban Renewal, and for the conduct of such other business as may come before the meeting.

Section 3. Regular Meetings. A regular meeting of the Agency shall be held at seven-thirty in the afternoon (7:30 P.M.) of October 23, 1973; and , on Monday, November 5, 1973, and every two weeks thereafter, unless dispensed with or scheduled for another time<sup>6</sup>.

Section 4. Special Meetings. The Chairman of the Agency may, when he deems it expedient, and shall, upon the request of two voting members of the Agency or the Director of Urban Renewal, call a special meeting of the Agency for the purpose of transacting any business designated in the call. The call for a special meeting may be delivered to any member of the Agency or may be mailed to his business or home address, and such delivery or mailing must be performed at least two days prior to the date of such meeting. At such special meeting, no business shall be considered other than as designated in the notice.

Section 5. Quorum. At all meetings of the Agency a majority of the voting members of the Agency shall constitute a quorum.

Section 6. Bonds and Notes. Every bond resolution and capital note resolution shall be adopted in conformity with Section 33 of the Local Finance Law of the State of New York, as amended.

Section 7. Order of Business. At regular meetings of the Agency, an Agenda, prepared and delivered to each member of the Agency two working days in advance of the meeting shall be followed. The order of business shall be:

- A. Reading and approval of the minutes of the previous meeting and any intervening special meeting.

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<sup>6</sup> This section was amended by Resolution No. 776B dated October 15, 1973 and replaced a series of amendments to the Bu-laws affixing the dates and times of meetings.

- B. Bills and Communications
- C. Report of the Director of Urban Renewal
- D. Reports of Committees
- E. Unfinished Business
- F. New Business
- G. Adjournment

Section 8. Rules of Procedure. The Rules of Procedure of the Elmira City Council, insofar as they are applicable and not in conflict with these By-Laws, shall be the Rules of Procedure of this Agency.

***ARTICLE VIII – AMENDMENTS***

The By-Laws of the Agency shall be amended by five (5) votes.

**Appendix 3: Code of Ethics**

## POLICY AND PROCEDURES

### Subject: Code of Ethics

**Section 1.** Pursuant to the provisions of the General Municipal Law, the Commissioners of the Elmira Urban Renewal Agency (the "Agency") recognize that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this policy to promulgate these rules of ethical conduct for the officers and employees of the Agency. These rules shall serve as a guide for official conduct of the officers and employees of the Agency. The rules of ethical conduct of this policy, shall be in addition to any prohibition of Article 18 of the General Municipal Law or any general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

### **Section 2. Definitions**

- (a) "Officer" means an officer or employee of the Elmira Urban Renewal Agency, whether paid or unpaid, including members of any administrative board, commission or other body thereof.
- (b) "Interest" mean a pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

### **Section 3. Standards of Conduct**

Every officer or employee of the Agency shall be subject to and abide by the following standards of conduct:

- (a) **Gifts.** He shall not directly, or indirectly, solicit any gifts; or accept or receive any gift having a value of twenty-five dollars or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.
- (b) **Confidential Information.** He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.
- (c) **Representation before one's own agency.** He shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is any officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.
- (d) **Representation before any agency for a contingent fee.** He shall not receive, or enter into any agreement, express or implied for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing of fees based upon the reasonable value of the services rendered.

## POLICY AND PROCEDURES

### Subject: Code of Ethics

- (e) **Disclosure of Interest in Legislation.** To the extent that he knows thereof, a member of the Agency's Board of Commissioners, any officer or employee of the Agency, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Commissioners on any legislation before the Board of Commissioners, shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.
- (f) **Investments in Conflict with Official Duties.** He shall not invest in or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his official duties.
- (g) **Private Employment.** He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.
- (h) **Future Employment.** He shall not, after termination of service or employment with the Agency, appear before any board or agency of the Agency in relation to any case, proceeding application in which he personally participated during the period of his service or employment or which was under his active consideration.

**Section 4.** Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Agency officer or employee of any claim, account, demand or suit against the Agency on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

**Section 5. Distribution of Code of Ethics.** The Director of this Agency shall cause a copy of this code of ethics to be distributed to every officer and employee of the City within thirty days of its adoption. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

**Section 6. Penalties.** In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

**Appendix 4: Mission Statement and Measurement Report**

## **Authority Mission Statement and Performance Measurements**

**Name of Public Authority: Elmira Urban Renewal Agency**

**Public Authority's Mission Statement:**

The EURA is a multi-faceted organization that performs a series of functions on behalf of the City of Elmira and serves to increase the quality of life for City residents through community and economic development projects. It is the charge of the Elmira Urban Renewal Agency to plan and undertake projects in the urban renewal plan and to oversee the financial viability of the urban renewal area. The functions carried out by EURA include but are by no means limited to: the marketing of EURA-owned property to viable developers; the leveraging of Federal, State, and private foundation grants for urban renewal projects; coordination of neighborhood and housing rehabilitation programs and initiatives.

The EURA as an organization has as its guiding principles the following:

1. Ensure the health, safety, and security of the urban renewal area;
2. The cost of projects and programs should be weighed against their benefits to the urban renewal area and the City of Elmira as a whole;
3. Projects shall consider impacts on adjacent neighborhoods;
4. A balance between economic development and livability within the area shall be maintained.

**Date Re-evaluated and Adopted: August 23, 2012 by Resolution 2012-17**

**List of Performance Goals (If additional space is needed, please attach):**

- 1) To purchase and sell available EURA land to viable developers, including the sale of property located at South Main and W. Chemung Place;
- 2) To assist the City of Elmira with economic development projects and seek financing for said properties when deemed economically feasible;
- 3) To provide oversight for development projects involving EURA land
- 4) Pursue grant and financing opportunities that enable the leveraging of City CDBG and HOME funds for community and economic development projects;

- 5) Continue to improve the housing stock and neighborhoods through the coordination of the City of Elmira's housing rehabilitation programs

**Additional questions:**

1. Have the board members acknowledged that they have read and understood the mission of the public authority?

The Board members have acknowledged that they have read and understand the mission of the public authority. The mission was reviewed, amended, and accepted at August 23, 2012 meeting of the EURA Commissioners.

2. Who has the power to appoint the management of the public authority?

As stated in the By-Laws, management of the Elmira Urban Renewal Agency shall be determined and appointed by the Board of Commissioners for the Agency.

3. If the Board appoints management, do you have a policy you follow when appointing the management of the public authority?

Yes. There are policies and procedures for appointments in the By-Laws, Policies and Procedures Manual for the Elmira Urban Renewal Agency.

4. Briefly describe the role of the Board and the role of management in the implementation of the mission.

The Board provides oversight and approval for all operations of projects, expenditures, and management required to complete the mission and goals of the Elmira Urban Renewal Agency. The Powers and Duties of the members are set forth in Article XV-A of the General Municipal Law of New York State.

The role of Management in implementing the mission for the Elmira Urban Renewal Agency is carried out by the City's Department of Community Development and its Commissioners.

The Urban Renewal Agency appointed the Director of Community Development to serve as Secretary of the Urban Renewal Agency. City Corporation Counsel serves as the Agency Attorney but neither is paid with Elmira Urban Renewal Agency funds.

5. Has the Board acknowledged that they have read and understood the responses to each of these questions?

Yes. Each Commissioner was provided a copy of the questionnaire and understood the responses to the questions.

**Appendix 5: Board Evaluations**

Confidential Evaluation of Board Performance

Criteria	Agree	Somewhat Agree	Somewhat Disagree	Disagree
Board members have a shared understanding of the mission and purpose of the Authority	3			
The policies practices and decisions of the Board are always consistent with the mission	3			
Board members comprehend their role and fiduciary responsibilities and hold themselves and each other to these principles	3			
The Board has adopted policies, by-laws, and practices for the effective governance, management and operations of the Authority and review these documents annually.	3			
The board sets clear and measurable performance goals for the Authority that contribute to accomplishing its mission	3			
The decisions made by Board members are arrived at through independent judgment and deliberation, free of political influence, pressure, or self-interest	3			
Board members are knowledgeable about the Authority's programs, financial statements, reporting requirements, and other transactions	3			
The Board meets to review and approve all documents and reports prior to public release and is confident that the information being presented is accurate and complete	3			
The Board knows the statutory obligations of the Authority and if the Authority is in compliance with state law.	3			
Board members have sufficient opportunity to research, discuss, question and prepare before decisions are made and votes taken	3			

Name of Authority: Elmira Urban Renewal Agency

Date Completed: 03/22/2023

**Appendix 6: Article XV-A of the General Municipal Law of the State  
of New York**

**ARTICLE 15-A**

**Municipal Urban Renewal Agencies, Organization and Powers**

**General Municipal (GMU) CHAPTER 24**

**SECTION 550**

**Short title**

General Municipal (GMU) CHAPTER 24, ARTICLE 15-A

§ 550. Short title. This article may be cited as the "Urban Renewal Agency Act. "

**SECTION 551**

**Policy and purposes of article**

General Municipal (GMU) CHAPTER 24, ARTICLE 15-A

§ 551. Policy and purposes of article. It is hereby declared to be the policy of this state to promote the expeditious undertaking, financing and completion of municipal urban renewal programs by the creation of municipal urban renewal agencies which are hereby declared to be governmental agencies and instrumentalities and to grant to such urban renewal agencies the rights and powers provided in this article. The use of such rights and powers is a public purpose essential to the public interest, and for which public funds may be expended.

**SECTION 552**

**Definitions**

General Municipal (GMU) CHAPTER 24, ARTICLE 15-A

§ 552. Definitions. As used or referred to in this article unless a different meaning clearly appears from the context:

1. "Agency" shall mean an urban renewal agency created pursuant to this article.

2. "Bonds" shall mean any bonds, notes, interim certificates, debentures, or other obligations issued by an agency pursuant to this article.

3. "Governing body", "Municipality", "Urban renewal", "Substandard or insanitary area", "Comprehensive community plan", "Urban renewal plan", "Commission", "Urban renewal area", "State capital grant" and "Commissioner" shall mean governing body, municipality, urban renewal, substandard or insanitary area, comprehensive community plan, urban renewal plan, commission, urban renewal area, state capital grant and commissioner, respectively, as defined in article fifteen of this chapter.

4. The term "mayor" shall mean the chief executive officer of a municipality.

### **SECTION 553**

Organization of urban renewal agencies

General Municipal (GMU) CHAPTER 24, ARTICLE 15-A

§ 553. Organization of urban renewal agencies. 1. (a) Upon the establishment of a municipal urban renewal agency by special act of the legislature, the mayor of the city or village wherein such agency is established, or the town board of the town, shall file within six months after the effective date of the special act of the legislature establishing such agency or before the first day of July, nineteen

hundred sixty-four, whichever date shall be later, in the office of the secretary of state, a certificate signed by him setting forth: (1) the effective date of the special act establishing the agency; (2) the name of the agency; (3) the names of the members and their terms of office, specifying which member is the chairman; and (4) facts establishing the need for the establishment of an agency in such city, town or village.

(b) Every such agency shall be perpetual in duration, except that if, at the expiration of ten years subsequent to the effective date of the special act, there shall be outstanding no bonds or other obligations theretofore issued by such agency or by the municipality for or on behalf of the agency, then the corporate existence of such agency shall thereupon terminate and it shall thereupon be deemed to be and shall be dissolved.

2. An agency shall be a corporate governmental agency, constituting a public benefit corporation. Except as otherwise provided by special act of the Legislature, an agency shall consist of not less than three nor more than five members who shall be appointed by the mayor of a city or village or the town board of a town and who shall serve at the pleasure of the appointing authority. A member shall continue to hold office until his successor is appointed and has qualified. The mayor of a city or village, or the town board of a town, shall designate the first chairman. Such members shall receive no compensation for their services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of their duties.

3. A majority of the members of an agency shall constitute a quorum.

4. Any one or more of the members of an agency may be an official or an employee of the municipality. In the event that an official or an employee of the municipality shall be appointed as a member of the agency, acceptance or retention of such appointment shall not be deemed a forfeiture of his municipal office or employment, or incompatible therewith or affect his tenure or compensation in any way. The term of office of a member of an agency who is an official or an employee of the municipality when appointed as a member thereof by special act of the legislature creating the municipal urban renewal agency shall terminate at the expiration of the term of his municipal office.

#### **SECTION 554**

Powers of an agency

General Municipal (GMU) CHAPTER 24, ARTICLE 15-A

§ 554. Powers of an agency. Subject to the provisions of article fifteen of this chapter, an agency is authorized to plan and undertake one or more urban renewal projects and shall have the powers necessary or convenient to carry out and effectuate such project or projects and the purposes and provisions of this article and article fifteen of this chapter, including but not limited to the following powers: (1) to sue and be sued; (2) to have a seal and alter the same at pleasure; (3) to have perpetual succession; (4) to make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions; (5) to make and alter by-laws for its organization and internal management; (6) to acquire or contract to acquire from any person, firm, corporation or government, by subsidy, contribution, gift, grant, bequest, devise, purchase, pursuant to the provisions of the

eminent domain procedure law, or otherwise, real or personal property or any interest therein, including but not limited to air rights, and easements or other rights of user, necessary for the use and development of such air rights, to be developed as air rights sites for the elimination of the blighting influences over an area or areas consisting principally of land in streets, alleys, highways, and other public rights of way, railway or subway tracks, bridge or tunnel approaches or entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences, provided, however, that the acquisition of any air rights over railroad tracks, rights-of-way or facilities and easements or other rights of user necessary for the use and development of such air rights are to be subject to the provisions of section fifty-one-a of the railroad law;

(7) to appoint officers, agents and employees, prescribe their duties, fix their compensation and delegate to one or more of such officers, agents or employees such powers or duties as it may deem proper; (8) with the consent of the municipality to use agents, employees, and facilities of the municipality, paying to the municipality its agreed proportion of the compensation or costs; (9) to insure or provide for the insurance of its property or operations as required by law and also against such other risks as it may deem advisable; (10) to invest any moneys held in reserve or sinking funds or any moneys not required for immediate use or disbursement at the discretion of the agency in obligations of the state or the United States government or obligations of which the principal and interest are guaranteed by the state or the United States government; (11) to cooperate with the federal government and apply for and accept advances, loans, grants, subsidies,

contributions and any other form of financial assistance from the federal government, or from the state, county, municipality or other public body or from any sources public or private, for the purposes of this article and article fifteen of this chapter; and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; provided, however, that any application for a loan, subsidy or grant to the federal government or the state shall be subject to the prior approval of the governing body; and to include in any contract for financial assistance with the federal government for or with respect to an urban renewal project, or with respect to any other program authorized under the federal housing act of nineteen hundred forty-nine, and all other federal laws amendatory and supplemental thereto, such conditions imposed pursuant to federal laws as the agency may deem reasonable and appropriate and which are not inconsistent with the purposes of this article or article fifteen of this chapter. Such conditions may include but shall not be limited to (a) provisions requiring payments of not less than certain minimum salaries and wages to architects, engineers, technicians, laborers, mechanics and other personnel; (b) provisions prohibiting rebates and kickbacks; and (c) provisions requiring contractors and subcontractors to furnish reports and other data to the secretary of labor; (d) provisions requiring payment of actual reasonable moving and related expenses as well as supplemental and additional payments, to individuals, families, business concerns or non-profit organizations due to displacement, so that disproportionate injuries are not suffered as a result of such program, as may be required by and pursuant to a federal financial assistance contract. (12) to apply for and accept the local grants-in-aid required under such federal laws, in the form of

appropriations, cash, municipal services and facilities, or any other form; (13) to borrow money and issue bonds or other obligations; (14) to provide for demolition and clearance of property, improvement of property, or development and use of air rights and concomitant easements or other rights of user necessary for the use and development of such air rights and air rights sites, including the remedying of unsuitable topographical, subsoil or other physical conditions which impede development within the urban renewal area, and construction of foundations and platforms as well as other necessary sitework, by the agency or by the municipality or by the persons, firm or corporation to whom such property, air rights and easements or air rights site, is sold or leased, provided, however, that any such work upon or affecting railroad property, right-of-way or facilities shall be subject to the approval of and joint supervision by the railroad company or companies affected. No work upon or affecting railroad property, right-of-way or facilities shall be progressed without the approval of the railroad company or companies, and in connection with all such projects upon or affecting railroad property, right-of-way or facilities appropriate standards for safety of operations, ventilation and lighting shall be subject to the approval of the railroad company or companies affected; (15) to develop, test and report methods and techniques and carry out demonstration and other activities in relation to or in connection with one or more programs of urban renewal or other programs relating to the arrest and prevention of conditions of deterioration or blight. In carrying out such demonstration and other activities an agency may itself reconstruct, repair, rehabilitate or otherwise improve such real property or may sell, lease or otherwise dispose of real property, for the effectuation of such activities or purposes by the purchaser or

lessee thereof, pursuant to the provisions of section five hundred fifty-six of this article; (16) to prepare or cause to be prepared a general neighborhood renewal plan for an area consisting of an urban renewal area or areas, together with any adjoining areas having specially related problems, and which is of such size that urban renewal activities may have to be initiated in stages; (17) to prepare or cause to be prepared a community-wide plan or program for urban renewal which shall conform to the comprehensive community plan for the development of the municipality as a whole; (18) to conduct examinations and investigations, hear testimony and take proof, under oath at public or private hearings on any material matters. (19) to convey, assign, grant or otherwise transfer all of its right, title and interest in any urban renewal program, or part thereof, or any right, title or interest in or to any real or personal property, contract, claim or other interest acquired or held by it in connection with such program, or part thereof, with or without consideration, to the municipality, subject to the prior approval of the governing body, upon such terms and conditions as may be reasonable and appropriate to effectuate such transfer not inconsistent with the purposes of this article or article fifteen of this chapter or any contract for financial assistance from the federal government, or from the state or other public body, for any of the purposes of such articles or either of them.

#### **SECTION 554-A**

Agency contracts

General Municipal (GMU) CHAPTER 24, ARTICLE 15-A

§ 554-a. Agency contracts. Except as otherwise expressly provided by an act of the legislature, provisions of state and local law applicable

to the letting of public works and purchase contracts by the municipality for which an agency is established shall apply to the same degree and extent to such agency.

## **SECTION 555**

### **Acquisition of property**

#### **General Municipal (GMU) CHAPTER 24, ARTICLE 15-A**

§ 555. Acquisition of property. 1. (a) Real property or any interest therein, including but not limited to air rights, and easements or other rights of user necessary for the use and development of such air rights, to be developed as air rights sites for the elimination of the blighting influences over an area or areas consisting principally of land in streets, alleys, highways, and other public rights of way, railway or subway tracks, bridge or tunnel approaches or entrances, or other similar facilities which have a blighting influence on the surrounding area necessary for or incidental to any urban renewal program or part thereof in accordance with an urban renewal plan may be acquired by an agency by gift, grant, devise, purchase, condemnation or otherwise and by a municipality for and on behalf of an agency by condemnation. Property may be acquired by condemnation by an agency or by a municipality for an agency pursuant to the condemnation law or pursuant to the laws relating to the condemnation of land by the municipality for which the agency is acting or the municipality, as the case may be.

(b) Property so acquired by an agency, or by a municipality in behalf of an agency, shall be exempt from taxation until sold, leased for a term not exceeding ninety-nine years or otherwise disposed of in accordance with the provisions of this article or article fifteen of

this chapter; provided, however, that any such agency shall have the power and authority, with respect to such property, to pay, out of funds available to it for the effectuating of such urban renewal program, annual sums in lieu of taxes to any taxing jurisdiction providing services to the urban renewal area, or to the part or portion thereof within such taxing jurisdiction, in order that no such taxing jurisdiction shall suffer an inequitable loss of revenue by virtue of such urban renewal program; provided, further, that the amount so paid for any year with respect to any such property shall not exceed the lesser of (1) the sum last levied for the benefit of such taxing jurisdiction as an annual tax on such property prior to the time of its acquisition for urban renewal purposes or (2) such amount as shall be approved by the commissioner, pursuant to such rules, regulation, limitations and conditions as he may prescribe, as an eligible and proper charge against such urban renewal program. Upon the sale, lease or disposition of such property to any person, firm or corporation not entitled to an exemption from taxation or entitled to only a partial tax exemption such property shall immediately become subject to taxation in whole or in part, as the case may be, and shall be taxed pro rata for the unexpired portion of the taxable year.

As used in this paragraph, the term "taxing jurisdiction" means any municipal corporation or district corporation including any school district or any special district, having the power to levy or collect taxes and benefit assessments upon real property, or in whose behalf such taxes or benefit assessments may be levied or collected.

(c) Notwithstanding any other provisions of this article, an agency

may acquire by purchase, gift, devise, condemnation or otherwise, in accordance with the appropriate provisions of any general, special or local law or charter applicable to the acquisition of real property by such agency, such real property or any interest therein, within an area designated pursuant to article fifteen of this chapter as appropriate for urban renewal, as it may deem ultimately necessary or proper to effectuate the purposes of this article although temporarily not required for such purposes, provided that the early acquisition of such property is approved as follows:

(1) In a municipality where there is a planning commission, the agency shall submit the proposal for early acquisition to the commission for its approval. Such planning commission shall, not later than ten weeks from the date of the referral of the proposal to it, after a public hearing held on due notice, submit its report to the governing body certifying its unqualified consent, its disapproval, or its qualified consent with recommendations for modifications of the proposal.

After public hearing held on due notice after the report is received or due from the planning commission, the governing body may:

(i) if the commission shall have certified its unqualified consent, by majority vote authorize the agency to proceed with the acquisition;

(ii) if the commission shall have certified its disapproval or shall have failed to make its report within ten weeks from the date such proposal was submitted to it, nevertheless authorize the agency to proceed with the acquisition, but only by a three-fourths vote;

(iii) if the commission shall have certified its qualified consent together with recommendations for modifications of the proposal, authorize the agency to proceed with the acquisition in accordance with the modifications recommended by the commission, by majority vote, or authorize such acquisition without such modifications but only by a three-fourths vote.

(2) In a municipality where there is no planning commission, the agency shall submit the proposal to the governing body which after public hearing held on due notice, may either approve or disapprove the proposal.

## **SECTION 556**

Disposition of property

General Municipal (GMU) CHAPTER 24, ARTICLE 15-A

§ 556. Disposition of property. 1. An agency may sell, lease for a term not exceeding ninety-nine years, or otherwise dispose of any real property and appurtenances thereto or any interest therein acquired by it pursuant to section five hundred fifty-five of this article, to any person, firm or corporation at the highest marketable price or rental at public auction or by sealed bids.

2. Notwithstanding the provisions of subdivision one of this section, such real property and appurtenances thereto may be sold, leased for a term of not exceeding ninety-nine years or otherwise disposed of for the effectuation of any of the purposes of an urban renewal program in accordance with the urban renewal plan pursuant to the provisions of

subdivision two of section five hundred seven of article fifteen of this chapter.

3. Any deed, lease or instrument by which real property and appurtenances thereto, or air rights and concomitant easements or other rights of user necessary for the use and development of such air rights over streets, alleys, highways or other public rights of way, railway or subway tracks, bridge or tunnel approaches or entrances, or other similar facilities, or air rights sites and necessary sitework, the foundations and platforms constructed or to be constructed in connection therewith, or any interest therein is conveyed or disposed of pursuant to this section shall contain provisions requiring the purchaser, lessee or grantee to replan, clear, rehabilitate, restore, renew, conserve, improve, reconstruct or redevelop such property in accordance with the urban renewal plan, as approved by the governing body, and within a definite and reasonable period of time, subject to the terms of the contract relating thereto between the agency and the sponsor and provisions insuring the use of such real property for purposes consistent with such urban renewal plan.

4. Notwithstanding anything to the contrary in this article or article fifteen of this chapter and notwithstanding any provision of any general, special or local law, such real property and appurtenances thereto may be sold, leased for a term not exceeding ninety-nine years, exchanged with or otherwise disposed of, for the effectuation of any of the purposes of the urban renewal program in accordance with the urban renewal plan, to any municipal corporation, school district, fire district, housing authority, the state of New York, or the government of

the United States and any agency or department thereof, for a valuable consideration and upon such terms and conditions as shall be approved by the governing body of the municipality, without public auction or sealed bids or public notice.

## **SECTION 557**

State capital grants

General Municipal (GMU) CHAPTER 24, ARTICLE 15-A

§ 557. State capital grants. 1. The commissioner may in the name of the state, (a) in the case of agencies which have contracted with the federal government for a capital grant (or for a loan and grant) make or contract to make, within appropriations therefor, a state capital grant to such agency to assist in carrying out one or more programs of urban renewal;

(b) in the case of agencies which have not made application to or entered into a contract with the federal government for advances, loans or grants with respect to a specific urban renewal project, make or contract to make a state capital grant, within appropriations therefor, to such agency to assist in meeting the cost of surveys and plans for such project and the administrative and other related expenditures to be incurred in undertaking and completing such project.

All contracts for such state capital grants shall be subject to approval by the state comptroller, and by the attorney general as to form. The commissioner may make advances or progress payments on account of any state capital grant contracted to be made pursuant to this section and such advances or payments shall not constitute periodic

subsidies.

2. Any such state capital grant shall be in such amount, within appropriations therefor, as the commissioner, in his discretion, may deem necessary to assist the agency in discharging its obligations in connection with the programs for which the grant shall be made; provided, however, that no such grant shall exceed one-half of the net cost of such program to the agency, exclusive of any federal aid or assistance, as such net cost shall be certified by the agency and approved by the commissioner. If the agency has not applied to or entered into a contract with the federal government for advances, loans or grants for a specific project, such grant shall not in any event exceed five hundred thousand dollars (\$500,000).

3. No agency shall receive any such state capital grant until (a) the urban renewal plan has been approved by the governing body, (b) the program set forth in such plan has been certified as eligible for federal assistance by the appropriate federal agency, or the governing body has found that such federal financial assistance is not necessary for the undertaking and successful completion of the program set forth in such plan, and (c) the governing body has attached its approval to the grant contract. The commissioner may make temporary advances to such agency in anticipation of any such grant.

4. Notwithstanding anything contained in this section to the contrary, the commissioner may in the name of the state, within appropriations heretofore or hereafter made for state capital grants to assist in carrying out one or more local urban renewal programs, make or contract

to make advances of funds to agencies, in anticipation of any such state capital grant, to assist such agencies in preparing preliminary economic and physical plans for relocation housing, regulated by law or contract as to rents, for persons and families to be displaced by the urban renewal program whose housing needs cannot be met by the unaided operations of private enterprise. Upon completion such plans shall be filed with the commissioner.

No such contract or advance shall be made (a) before an urban renewal area, to whose residents such relocation housing relates, has been designated pursuant to section five hundred four of this article; (b) unless the governing body has certified that the preparation of preliminary plans for such relocation housing is necessary to the making of a finding, pursuant to section five hundred five of this article, as to the existence of a feasible method of relocation; and (c) in excess of the lowest of the following amounts:

(i) the actual cost of preparation of such preliminary plans;

(ii) one-half of one per cent of the estimated construction cost of the proposed relocation housing;

(iii) twenty-five thousand dollars;

and every such advance shall be repaid out of any state capital grant which may become payable to the agency for the undertaking of the urban renewal project involved.

5. Notwithstanding anything contained in this article or article

fifteen of this chapter to the contrary, the commissioner may in the name of the state, within appropriations heretofore or hereafter made for state capital grants to assist in carrying out one or more local urban renewal programs make or contract to make state capital grants to such agencies to assist in financing the cost of the preparation and completion of one or more community renewal programs.

Any such state capital grant shall be in such amount, within appropriations therefor, as the commissioner, in his discretion, may deem necessary to assist the agency in discharging its obligations in connection with the program for which the state grant shall be made; provided, however, that no such state capital grant shall exceed one-half of the cost to the agency of undertaking and completing such program, exclusive of any federal or state aid or assistance therefor, as such cost shall be certified by the agency and approved by the commissioner.

No agency shall receive any such state grant until (a) the community renewal program has been approved by the governing body, (b) the program has been certified as eligible for federal assistance by the appropriate federal agency, and (c) the governing body has attached its approval to the state capital grant contract.

All contracts for such state capital grants shall be subject to approval by the state comptroller, and by the attorney general as to form. The commissioner may make advances or progress payments on account of any such state capital grant contract to be made pursuant to this section.

6. (a) Notwithstanding anything to the contrary contained in this section or elsewhere in this chapter, or in any general, special or local law, except as hereinafter provided, the commissioner may, in the name of the state, include in determining the net cost of an urban renewal project for the purpose of computing the amount of state financial assistance to an agency, those expenditures made by a private voluntary hospital and/or by a private college or private university, within, adjacent to, or in the immediate vicinity of such project which are recognized as non-cash grant-in-aid credits under the provisions of section one hundred twelve of title one of the federal housing act of nineteen hundred forty-nine, as amended and supplemented; provided, however, that such computation shall not apply to any urban renewal project for which a contract has been executed with the federal government for a capital grant (or for a loan and grant) prior to the first day of July, nineteen hundred sixty-six.

(b) Not more than fifteen per centum of the amount appropriated by the state or otherwise available to the commissioner in any year for urban renewal assistance to municipalities and agencies pursuant to this section and section five hundred ten of this chapter shall be available for the purposes of paragraph (a) of this subdivision.

(c) In no instance shall the amount of state assistance to an agency under this subdivision exceed the net project cost, excluding the amount of the non-cash grant-in-aid credits for expenditures made by a private voluntary hospital and/or by a private college or private university allowed in accordance with the provisions of section one hundred twelve

of title I of the federal housing act of nineteen hundred forty-nine as amended and supplemented, less any federal capital grant, or loan and grant, for such project; nor shall the aggregate amount of state assistance for any such urban renewal project, including section one hundred twelve grant-in-aid credits as provided by this subdivision, exceed one-half of the total local grant-in-aid requirements necessary to complete such project.

(d) No such section one hundred twelve non-cash grant-in-aid credits shall be included in determining the net cost of an urban renewal project for the purpose of computing the amount of state financial assistance to an agency unless such expenditures were made in conformity with a plan or undertaking for the clearance, replanning and reconstruction or rehabilitation of a substandard or insanitary area or areas.

(e) Such plan or undertaking, for the clearance, replanning and reconstruction or rehabilitation of a substandard insanitary area adjacent to or in the immediate vicinity of an urban renewal project shall conform to the comprehensive community plan for the development of the community as a whole. Every such plan or undertaking shall be submitted to the commission, if any, for approval. The commission after considering the plan or undertaking may: issue a report of unqualified approval; or issue a report of conditional or qualified approval; or issue a report disapproving same. The plan or undertaking shall be submitted, together with the report of the commission, to the local legislative body for its approval. If the commission shall have issued a report of unqualified approval, the plan or undertaking may be approved

in accordance with the report of the commission by a majority vote of the local legislative body. If the commission shall have issued a report disapproving same, or shall have issued a report of conditional or unqualified approval, or shall have failed to make its report within four weeks of the submission of the plan or undertaking to the commission, the local legislative body may, nevertheless, approve the plan or undertaking but only by a three-fourths vote.

#### **SECTION 558**

Authority of agency; other terms and contracts

General Municipal (GMU) CHAPTER 24, ARTICLE 15-A

§ 558. Authority of agency; other terms and contracts. 1. An agency is authorized to enter into agreement with the state to receive such state capital grants to assist such agency to establish and carry out one or more programs of urban renewal.

2. In every contract for a capital grant by the state, the acts constituting a substantial breach of the provisions set forth therein shall be defined in such terms as the commissioner shall deem to be in the public interest and as are consistent with the provisions of this article and the purposes of the program for which such aid is sought.

3. Every such contract may contain such other terms, covenants and conditions as shall be agreed upon and as are consistent with the provisions of this article and the purposes of the urban renewal program.

#### **SECTION 559**

Bonds of an agency

General Municipal (GMU) CHAPTER 24, ARTICLE 15-A

§ 559. Bonds of an agency. 1. (a) An agency shall have power and is hereby authorized from time to time to issue its negotiable bonds and notes in conformity with applicable provisions of the uniform commercial code in such principal amount as, in the opinion of the agency, shall be necessary to provide sufficient funds for achieving its corporate purposes.

(b) An agency shall have power, from time to time, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and to issue bonds partly to refund bonds then outstanding and partly for any other purpose. The refunding bonds shall be sold and the proceeds applied to the purchase, redemption or payment of the bonds to be refunded.

2. Except as may otherwise be expressly provided by the agency, every issue of its notes and bonds shall be general obligations of the agency payable out of any revenues or moneys of the agency, subject only to any agreements with the holders of particular notes or bonds pledging any particular receipts or revenues, provided, however, that the payment of such bonds and notes, both as to principal and interest, may be further secured by a pledge of any loan, grant, or contribution from the federal government or other source, in aid of any urban renewal program or part thereof, or by a mortgage of any such urban renewal program, or part thereof, title to which is in the agency, or that payment of such bonds and notes, both as to principal and interest, or only as to interest, may be guaranteed by the municipality.

3. Bonds and notes of an agency shall be authorized by its resolution, shall bear such date or dates, mature at such time or times, in the case of any such note, or any renewals thereof, not exceeding seven years from the date of issue of such original note, and in the case of any such bond not exceeding fifty years from the date of issue, as such resolution or resolutions shall provide. The notes and bonds shall bear interest at such rate or rates, be in such denomination or denominations, 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 of redemption with or without premium, and be secured in such manner, as such resolution or resolutions may provide. The bonds and notes may be sold by the agency at public or private sale, at such price or prices as the agency may determine.

4. Bonds and notes of an agency are hereby made securities in which all public officers and bodies of this state and all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and savings associations, including saving and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, all 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, provided that such bonds and notes (1) are secured

by an agreement between the agency and the federal government in which the agency agrees to borrow from the federal government and the federal government agrees to lend to the agency, prior to the maturity of such bonds or notes, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or notes) will suffice to pay the principal on such bonds or notes with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or notes at their maturity, or (2) are guaranteed by the municipality as to principal and interest. Such bonds and notes are also hereby made securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities, governments, and public corporations of this state, for any purpose for which the deposit of bonds or other obligations of this state is now or may be hereafter authorized or required.

5. In case any of the members or officers of an agency whose signatures appear on the bonds or coupons shall cease to be such members or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until such delivery.

6. In connection with the issuance of bonds or the incurring of an obligation and to secure the payment of such bonds or other obligations, an agency, in addition to its other powers, may:

(a) pledge, covenant to pledge, or covenant against pledging, all or

any part of the rents, fees, revenues, subsidies, grants or contributions to which its right then exists or may thereafter come into existence; covenant against permitting or suffering any lien thereon; it is the intention hereof that any pledge of revenues or other monies made by an agency shall be valid and binding from the time when the pledge has been made, that revenues or other monies so pledged and thereafter received by an agency shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act and that the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the agency, irrespective of whether such parties have notice thereof;

(b) mortgage, covenant to mortgage or covenant against mortgaging, all or any part of its property, real or personal, then owned or thereafter acquired; covenant against permitting or suffering any lien thereon;

(c) covenant with respect to limitations on its right to sell, lease or otherwise dispose of any project or part thereof;

(d) covenant as to the use of any or all of its properties, real or personal;

(e) create or authorize the creation of special funds segregating (1) the proceeds of any loans, grants, subsidies or contributions; (2) all the rents, fees and revenues of any project or projects; (3) any monies held for the payment of the principal of and interest on its bonds; and (4) any monies held for any reserves or contingencies; and covenant as to the use and disposal of the monies held in such funds.

(f) covenant as to any other matters of like or different character, which in any way affect the security or the protection of the bonds.

7. Neither the members of an agency nor any person executing the notes or bonds of an agency shall be liable personally on such notes or bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

#### **SECTION 560**

Exemption from taxation of property and income

General Municipal (GMU) CHAPTER 24, ARTICLE 15-A

§ 560. Exemption from taxation of property and income. The property of an agency and its income and operations shall be exempt from taxation.

#### **SECTION 561**

Exemption from taxation of bonds

General Municipal (GMU) CHAPTER 24, ARTICLE 15-A

§ 561. Exemption from taxation of bonds. Bonds, mortgages, notes and other obligations of an agency are declared to be issued for a public purpose and to be public instrumentalities and together with interest thereon, shall be exempt from taxation.

#### **SECTION 561-A**

Accounts, reports and audits

General Municipal (GMU) CHAPTER 24, ARTICLE 15-A

§ 561-a. Accounts, reports and audits. 1. The accounting records of

an agency shall be maintained in accordance with a system prescribed by the state comptroller.

2. Within sixty days after the close of the fiscal year, an agency shall submit an annual report of its financial condition to the commissioner and to the state comptroller. The report shall be in such form as the comptroller shall require. The commissioner or the comptroller may require additional information from the agency or any officer thereof at any time.

3. The state comptroller, or his legally authorized representative, is hereby authorized and empowered from time to time to examine the books and accounts of an agency including its receipts, disbursements, contracts, reserve funds, sinking funds, investments and any other matters relating to its finances or financial standing. Such an examination shall be conducted by the comptroller at least once in every five years; the comptroller is authorized, however, to accept from an agency, in lieu of such an examination, an external examination of its books and accounts made at the request of the agency.

#### **SECTION 561-B**

Fiscal year

General Municipal (GMU) CHAPTER 24, ARTICLE 15-A

§ 561-b. Fiscal year. The fiscal year of an agency shall begin on the same day and end on the same day of the calendar month on which the fiscal year of the municipality wherein such agency is established shall begin and end.

## **SECTION 562**

Powers additional and supplemental

General Municipal (GMU) CHAPTER 24, ARTICLE 15-A

§ 562. Powers additional and supplemental. The powers conferred by this article shall be in addition and supplemental to existing powers relating to the effectuating of an urban renewal program, and this article shall not be construed as repealing any of the provisions of any other law, general or special. Nothing in this article shall be deemed to relieve any agency or municipality from complying with the provisions of article fifteen of this chapter as they relate to the designation of an urban renewal area or the approval of an urban renewal plan.

## **SECTION 563**

Separability clause

General Municipal (GMU) CHAPTER 24, ARTICLE 15-A

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

**Appendix 7: Financial Report**

# **ELMIRA URBAN RENEWAL AGENCY**

**Elmira, New York**

## **FINANCIAL REPORT**

**For the Year Ended  
December 31, 2022**



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Certified Public Accountants | Business Advisors

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# ***ELMIRA URBAN RENEWAL AGENCY***

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## INDEPENDENT AUDITORS' REPORT

Commissioners of Elmira Urban Renewal Agency,  
Mayor, and Members of the City Council  
City of Elmira  
Elmira, New York

### Report on the Audit of the Financial Statements

#### Opinions

We have audited the accompanying financial statements of the governmental activities and fund information of the Elmira Urban Renewal Agency (the Agency), a component unit of the City of Elmira, as of and for the year ended December 31, 2022, and the related notes to the financial statements, which collectively comprise the Agency's basic financial statements as listed in the Table of Contents.

In our opinion, the accompanying financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and fund information of the Elmira Urban Renewal Agency as of December 31, 2022, and the respective changes in financial position thereof, for the year then ended in accordance with accounting principles generally accepted in the United States of America.

#### Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards (Government Auditing Standards)*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Agency and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

#### Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

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In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Agency's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

#### **Auditors' Responsibilities for the Audit of the Financial Statements**

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Agency's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Agency's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

**Required Supplementary Information**

Accounting principles generally accepted in the United States of America requires that the Management’s Discussion and Analysis be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with GAAS, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management’s responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

**Other Reporting Required by *Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated March 14, 2023, on our consideration of the Agency’s internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Agency’s internal control over financial reporting and compliance.

**Other Reporting Required by New York State Public Authorities Law**

We have also issued our report dated March 14, 2023 on our consideration of the Agency’s compliance with §2925(3)(f) of the New York State Public Authorities Law. The purpose of that report is to describe anything that came to our attention that caused us to believe the Agency failed to comply with the Agency’s Investment Guidelines, the New York State Comptroller’s Investment Guidelines, and §2925(3)(f) of the New York State Public Authorities Law.

Respectfully submitted,



Insero & Co. CPAs, LLP  
Certified Public Accountants

Ithaca, New York  
March 14, 2023

# ***ELMIRA URBAN RENEWAL AGENCY***

## **MANAGEMENT'S DISCUSSION AND ANALYSIS DECEMBER 31, 2022**

Our discussion and analysis of the Elmira Urban Renewal Agency's (the Agency) financial performance provides an overview of the Agency's financial activities for the fiscal year ended December 31, 2022. Please read it in conjunction with the Agency's financial statements, which begin on page 5.

### **USING THIS ANNUAL REPORT**

This annual report consists of a series of basic financial statements. The Statement of Net Position and the Statement of Activities (on pages 5 and 6) provide information about the Agency as a whole and present a longer-term view of the Agency's finances. Governmental Fund financial statements start on page 7. For Governmental Activities, these statements tell how these services were financed in the short term, as well as what remains for future spending. Governmental Fund financial statements also report the Agency's operations in greater detail than the Government-wide financial statements by providing information about the Agency's fund. Following these statements are notes that provide additional information that is essential to a full understanding of the data provided in the financial statements.

### **Reporting the Agency as a Whole**

Our analysis of the Agency as a whole begins on page 5, with the Government-wide financial statements. The Statement of Net Position and the Statement of Activities report information about the Agency as a whole and about its activities in a way that helps answer the question of whether the Agency, as a whole, is better off or worse off as a result of the year's activities. These statements include *all* assets and liabilities using the *accrual basis of accounting*, which is similar to the accounting used by most private sector companies. All of the current year's revenues and expenses are taken into account regardless of when the cash is received or paid.

These two statements report the Agency's net position and changes in it. One can think of the Agency's net position, the difference between assets and liabilities, as one way to measure the Agency's financial health or financial position. Over time, increases or decreases in the Agency's net position are one indicator of whether its financial health is improving or deteriorating.

In the Statement of Net Position and the Statement of Activities, all of the Agency's activities, which are governmental in nature, are reported in one column, including home and community services and interest on debt. Charges for services and state and federal grants finance most of these activities. The Agency is a component unit of the City of Elmira and is included as a blended component unit in the City's financial statements.

# ELMIRA URBAN RENEWAL AGENCY

## MANAGEMENT'S DISCUSSION AND ANALYSIS DECEMBER 31, 2022

### Reporting the Agency's Fund

#### Governmental Fund Financial Statements

Analysis of the Agency's Major Fund begins on page 7. The Governmental Fund financial statements provides detailed information about the most significant funds, not on the Agency as a whole.

**Governmental Funds:** The Agency's services are reported as a Governmental Fund, which focuses on how money flows into and out of those funds and the balances left at year end that are available for spending. These funds are reported using an accounting method called *modified accrual accounting*, which measures cash and all other financial assets that can be readily converted to cash. The Governmental Fund financial statements provide a detailed short-term view of the Agency's general governmental operations and the basic services it provides. Governmental Fund information helps determine whether there are more or fewer financial resources that can be spent in the near future to finance the Agency's programs. The relationship (or differences) between *Governmental Activities* (reported in the government-wide financial statements) and *Governmental Funds* is explained in a reconciliation following the Governmental Fund financial statements.

### THE AGENCY AS A WHOLE

Our analysis below focuses on net position (*Figure 1*).

*Figure 1*  
*Net Position*

<b>Governmental Activities</b>	<b>2022</b>	<b>2021</b>	<b>Total Dollar Change</b>
<i>Current Assets</i>	\$ 4,510	\$ 4,507	\$ 3
<i>Noncurrent Assets</i>	42,366	42,017	349
<b>Total Assets</b>	<b>46,876</b>	<b>46,524</b>	<b>352</b>
<i>Current Liabilities</i>	-	-	-
<b>Total Liabilities</b>	<b>-</b>	<b>-</b>	<b>-</b>
<i>Unrestricted Net Position</i>	46,876	46,524	352
<b>Total Net Position</b>	<b>\$ 46,876</b>	<b>\$ 46,524</b>	<b>\$ 352</b>

Total assets increased 0.76%. This change was the result of interest earnings on bank deposits.

# **ELMIRA URBAN RENEWAL AGENCY**

## **MANAGEMENT'S DISCUSSION AND ANALYSIS DECEMBER 31, 2022**

Our analysis in *Figure 2* separately considers the operations of Governmental Activities.

*Figure 2  
Changes in Net Position*

Governmental Activities	2022	2021	Total Dollar Change
<b>REVENUES</b>			
General Revenues			
<i>Use of Money and Property</i>	\$ 352	\$ 25	\$ 327
<b>Total Revenues</b>	<b>\$ 352</b>	<b>\$ 25</b>	<b>\$ 327</b>
<b>PROGRAM EXPENSES</b>			
<i>Home and Community Services</i>	\$ -	\$ -	\$ -
<b>Total Expenses</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>CHANGE IN NET POSITION</b>	<b>\$ 352</b>	<b>\$ 25</b>	<b>\$ 327</b>

Total revenue increased from the prior year due to interest earnings on bank deposits. There were no expenses in the current or prior year.

### **THE AGENCY'S FUND**

As the Agency completed the year, its Governmental Fund, as presented in the Balance Sheet on page 7, reported a fund balance of \$45,876, which is \$352 more than last year's fund balance of \$45,524.

*Figure 3* shows the changes in fund balance for the year for the Agency's Governmental Fund.

*Figure 3  
Governmental Fund  
Fund Balances at Year Ending December 31,*

Governmental Fund	2022	2021	Total Dollar Change
<i>Special Revenue Fund</i>	\$ 45,876	\$ 45,524	\$ 352
<b>Totals</b>	<b>\$ 45,876</b>	<b>\$ 45,524</b>	<b>\$ 352</b>

# ***ELMIRA URBAN RENEWAL AGENCY***

## **MANAGEMENT'S DISCUSSION AND ANALYSIS DECEMBER 31, 2022**

### **CAPITAL ASSET AND DEBT ADMINISTRATION**

#### **Capital Assets**

The Agency has no material capital assets.

#### **Debt Administration**

The Agency has no material debt.

### **FUTURE FACTORS**

Currently, there are no projects planned.

### **CONTACTING THE AGENCY'S FINANCIAL MANAGEMENT**

This financial report is designed to provide a general overview of the Elmira Urban Renewal Agency's finances and to show the Agency's accountability for the money it receives. If you have questions about this report or need any additional financial information, contact the City of Elmira Chamberlain's office, at 317 East Church Street, Elmira, New York 14901.

# ***ELMIRA URBAN RENEWAL AGENCY***

## **STATEMENT OF NET POSITION DECEMBER 31, 2022**

### **ASSETS**

#### **Current Assets**

Cash and Cash Equivalents - Unrestricted	\$	3,510
Other Receivables		<u>1,000</u>
<b>Total Current Assets</b>		<u>4,510</u>

#### **Noncurrent Assets**

Cash and Cash Equivalents - Restricted		<u>42,366</u>
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<b>Total Assets</b>		<u>46,876</u>
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### **LIABILITIES**

<b>Total Liabilities</b>		<u>-</u>
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### **NET POSITION**

Unrestricted		<u>46,876</u>
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<b>Total Net Position</b>	\$	<u>46,876</u>
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*See Notes to Financial Statements*

# **ELMIRA URBAN RENEWAL AGENCY**

## **STATEMENT OF ACTIVITIES FOR THE YEAR ENDED DECEMBER 31, 2022**

	<b>Program Revenues</b>			<b>Net Revenue</b>
<b>Expenses</b>	<b>Charges for</b>	<b>Operating</b>	<b>Capital</b>	<b>(Expense) and</b>
<b>FUNCTIONS/PROGRAMS</b>	<b>Services</b>	<b>Grants and</b>	<b>Grants and</b>	<b>Changes in</b>
<b>Governmental Activities</b>	<b>Contributions</b>	<b>Contributions</b>	<b>Contributions</b>	<b>Net Position</b>
Home and Community Services	\$ -	\$ -	\$ -	\$ -
<b>Total Governmental Activities</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>GENERAL REVENUES</b>				
Use of Money and Property				352
<b>Total General Revenues</b>				<b>352</b>
Change in Net Position				352
Net Position - Beginning of Year				46,524
<b>Net Position - Ending of Year</b>				<b>\$ 46,876</b>

*See Notes to Financial Statements*

# ***ELMIRA URBAN RENEWAL AGENCY***

## **BALANCE SHEET - GOVERNMENTAL FUND DECEMBER 31, 2022**

	<b>Special Revenue Fund</b>
<b>ASSETS</b>	
Cash and Cash Equivalents - Unrestricted	\$ 3,510
Cash and Cash Equivalents - Restricted	42,366
Other Receivables	<u>1,000</u>
<b>Total Assets</b>	<b><u>\$ 46,876</u></b>
<b>LIABILITIES</b>	
<b>Total Liabilities</b>	<b><u>\$ -</u></b>
<b>DEFERRED INFLOWS OF RESOURCES</b>	
Unavailable Revenue - Loans Receivable	<u>1,000</u>
<b>Total Deferred Inflows of Resources</b>	<b><u>1,000</u></b>
<b>FUND BALANCE</b>	
Assigned	<u>45,876</u>
<b>Total Fund Balance</b>	<b><u>45,876</u></b>
<b>Total Liabilities, Deferred Inflows of Resources, and Fund Balance</b>	<b><u>\$ 46,876</u></b>

*See Notes to Financial Statements*

***ELMIRA URBAN RENEWAL AGENCY***

**RECONCILIATION OF GOVERNMENTAL FUND BALANCE SHEET  
TO THE STATEMENT OF NET POSITION  
DECEMBER 31, 2022**

**Total Governmental Fund Balance** **\$ 45,876**

Amounts reported for Governmental Activities in the Statement of Net Position are different because:

Unavailable Revenue - Loans receivable is not available to pay for current period expenditures and, therefore, is a deferred inflow of resources in the funds. 1,000

**Net Position of Governmental Activities** **\$ 46,876**

*See Notes to Financial Statements*

## ***ELMIRA URBAN RENEWAL AGENCY***

### **STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE GOVERNMENTAL FUND FOR THE YEAR ENDED DECEMBER 31, 2022**

	<u>Special Revenue Fund</u>
<b>REVENUES</b>	
Use of Money and Property	<u>\$ 352</u>
<b>Total Revenues</b>	<u>352</u>
<b>EXPENDITURES</b>	
Home and Community Services	<u>-</u>
<b>Total Expenditures</b>	<u>-</u>
Excess of Revenues (Expenditures)	<u>352</u>
Net Change in Fund Balance	352
Fund Balance, Beginning	<u>45,524</u>
<b>Fund Balance, Ending</b>	<u><u>\$ 45,876</u></u>

*See Notes to Financial Statements*

***ELMIRA URBAN RENEWAL AGENCY***

**RECONCILIATION OF GOVERNMENTAL FUND STATEMENT OF REVENUES,  
EXPENDITURES, AND CHANGES IN FUND BALANCE  
TO THE STATEMENT OF ACTIVITIES  
FOR THE YEAR ENDED DECEMBER 31, 2022**

Net Change in Fund Balance - Total Governmental Fund	\$ <u>352</u>
<b>Change in Net Position of Governmental Activities</b>	<b>\$ <u><u>352</u></u></b>

*See Notes to Financial Statements*

# ***ELMIRA URBAN RENEWAL AGENCY***

## **NOTES TO FINANCIAL STATEMENTS DECEMBER 31, 2022**

### ***Note 1* Summary of Significant Accounting Policies**

The basic financial statements of the Elmira Urban Renewal Agency (the Agency) have been prepared in conformity with generally accepted accounting principles of the United States as applied to government units. The Governmental Accounting Standards Board (GASB) is the accepted standard setting body for establishing governmental accounting and financial reporting principles. The more significant of the government's accounting policies are described below.

#### **Financial Reporting Entity**

The Elmira Urban Renewal Agency is a public benefit corporation established in 1966 by special act of the State Legislature to carry out municipal urban renewal programs generally funded by federal grants. In 1974, this agency was also designated as the Community Development Agency responsible for administering federal community development block grants on behalf of the City of Elmira. The Agency is governed by a Board of Commissioners comprised of the Mayor and City Council members. The City Manager serves in an ex-officio capacity and the Community Development Director serves as the Secretary. The City is ultimately responsible for the proper disposition of grant funds and any debt incurred by the Agency.

The financial reporting entity consists of (a) the primary government which is the Elmira Urban Renewal Agency; (b) organizations for which the primary government is financially accountable; and (c) other organizations for which the nature and significance of their relationship with the primary government are such that exclusion would cause the reporting entity's financial statements to be misleading or incomplete as set forth in GASB Statement No. 14, "The Financial Reporting Entity," as amended. Because of the close governing, administrative, and financial relationship with the City, the Agency is considered to be a component unit of the City of Elmira for financial reporting purposes, and the Agency's financial information will be presented as a blended component unit in the City's financial statements as of December 31, 2022 and for the year then ended.

#### **Basic Financial Statements**

The Agency's basic financial statements include both Government-wide (reporting the Agency as a whole) and Governmental Fund financial statements (reporting the Agency's Major Fund). Both the Government-wide and Governmental Fund financial statements categorize primary activities as either Governmental or Business-Type. The Agency's home and community services are classified as Governmental Activities. The Agency has no Business-Type Activities.

#### **Basic Financial Statements - Government-Wide Financial Statements**

The Government-Wide financial statements include a Statement of Net Position and a Statement of Activities. These statements present summaries of activities for the Agency. This Government-Wide focus is more on the sustainability of the Agency as an entity and the change in the Agency's net assets resulting from the current year's activities.

# ***ELMIRA URBAN RENEWAL AGENCY***

## **NOTES TO FINANCIAL STATEMENTS DECEMBER 31, 2022**

### ***Note 1* Summary of Significant Accounting Policies - Continued**

#### **Basic Financial Statements - Government-Wide Financial Statements - Continued**

In the Government-Wide Statement of Net Position, Governmental Activities are reported on a full accrual, economic resource basis, which recognizes all long-term assets and receivables as well as long-term debt and obligations. The Agency's net position is reported in three parts - net investment in capital assets, restricted, and unrestricted. The Agency first utilizes restricted resources to finance qualifying activities.

The Statement of Activities reports both the gross and net cost for each of the Agency's functions or programs. Gross expenses are direct expenses, including depreciation, specifically associated with a service, program or department and, therefore, clearly identifiable to a particular function. These expenses are offset by program revenues - charges paid by the recipient of the goods or services offered by the program, grants, and contributions that are restricted to meeting the program or capital requirements of a particular program. Revenues which are not classified as program revenues are presented as general revenues of the Agency, with certain limited exceptions. The net cost represents the extent to which each function or program is self-financing or draws from the general revenues of the Agency.

The financial transactions of the Agency are reported in an individual fund in the Governmental Fund financial statements. Each fund is accounted for by providing a separate set of self-balancing accounts that comprise its assets, liabilities, reserves, fund equity, revenues, and expenditures or expenses. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

The Agency records its transactions in the funds described below.

#### **Governmental Funds**

Governmental Funds are those through which most governmental functions are financed. The acquisition, use, and balances of expendable financial resources, and the related liabilities, are accounted for through Governmental Funds. The measurement focus of the Governmental Funds is based upon determination of financial position and changes in financial position. The following is the Agency's Governmental Fund:

- **Special Revenue Fund**

Accounts for the proceeds of specific revenue sources legally restricted to expenditures for specified purposes. The following Special Revenue Fund is reported as a Major Fund:

- Urban Renewal Fund: Used to account for monies distributed by the federal government and expended pursuant to rules and regulations as set forth by the Department of Housing and Urban Development and other federal agencies and for related program income and charges for services.

# ***ELMIRA URBAN RENEWAL AGENCY***

## **NOTES TO FINANCIAL STATEMENTS DECEMBER 31, 2022**

### ***Note 1* Summary of Significant Accounting Policies - Continued**

#### **Basis of Accounting/Measurement Focus**

Basis of accounting refers to when revenues and expenditures and the related assets and liabilities are recognized in the accounts and reported in the financial statements. Basis of accounting relates to the timing of the measurements made, regardless of the measurement focus. Measurement focus is the determination of what is measured, such as expenditures or expenses.

#### **Basis of Accounting/Measurement Focus - Accrual Basis**

The Government-Wide financial statements are presented on an “economic resources” measurement focus and the accrual basis of accounting. Accordingly, all of the Agency’s assets and liabilities, including capital assets, as well as infrastructure assets and long-term liabilities, are included in the accompanying Statement of Net Position. The Statement of Activities presents changes in net position. Under the accrual basis of accounting, revenues are recognized when earned and expenses are recognized when incurred.

#### **Basis of Accounting/Measurement Focus - Modified Accrual Basis**

The Governmental Fund financial statements are reported using the modified accrual basis. Under this basis of accounting, revenues are recorded when measurable and available. Available means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. Material revenues that are accrued include state and federal aid and certain user charges. All other revenues deemed collectible within one year after year end are recognized as revenues in the current year.

If expenditures are the prime factor for determining eligibility, revenues from federal and state grants are accrued when the expenditure is made. Expenditures are recorded when incurred. In the governmental fund, the cost of capital assets is recognized as an expenditure when incurred.

#### **Deferred Inflows of Resources**

In addition to liabilities, the Statement of Financial Position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to future periods, so it will *not* be recognized as an inflow of resources (revenue) until that time. The government has only one type of item, which arises only under a modified accrual basis of accounting, which qualifies for reporting in this category. Accordingly, the item, *unavailable revenue*, is reported only in the Governmental Fund Balance Sheet. The Governmental Fund reports unavailable revenues from loans receivable. These amounts are deferred and recognized as an inflow of resources in the period that the amounts become available.

#### **Cash and Cash Equivalents**

For financial statement purposes, cash on hand, demand deposits, and all highly liquid investments of three months or less are considered as cash equivalents.

# ***ELMIRA URBAN RENEWAL AGENCY***

## **NOTES TO FINANCIAL STATEMENTS DECEMBER 31, 2022**

### ***Note 1* Summary of Significant Accounting Policies - Continued**

#### **Use of Estimates**

Management uses estimates and assumptions in preparing financial statements. Those estimates and assumptions affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities, and the reported revenues and expenses. Actual results could differ from those estimates.

#### **Equity Classifications - Government-Wide Financial Statements**

Equity is classified as net position and displayed in three components:

- **Net investment in capital assets:** Consists of capital assets, including restricted capital assets, net of accumulated depreciation, and reduced by the outstanding balances of any bonds, mortgages, notes or other borrowings that are attributable to the acquisition, construction, or improvement of those assets.
- **Restricted:** Consists of resources with constraints placed on the use either by 1) external groups such as creditors, grantors, contributors, or laws or regulations of other governments; or 2) law through constitutional provisions or enabling legislation.
- **Unrestricted:** Consists of all other resources that do not meet the definition of “restricted” or “net investment in capital assets.”

#### **Equity Classifications - Governmental Fund Financial Statements**

The Agency follows GASB Statement No. 54, “Fund Balance Reporting and Governmental Fund Type Definitions.” GASB Statement No. 54 classifies fund balance to reflect spending constraints on resources, rather than availability for appropriation. This approach is intended to provide users more consistent and understandable information about a fund’s net resources.

Constraints are broken into five classifications: nonspendable, restricted, committed, assigned, and unassigned. These classifications serve to inform readers of the financial statements of the extent to which the government is bound to honor any constraints on specific purposes for which resources in a fund can be spent.

- **Nonspendable:** Consists of assets inherently nonspendable in the current period either because of their form or because they must be maintained intact; including prepaid items, inventories, long-term portions of loans receivable, financial assets held for resale, and endowment principal.
- **Restricted:** Consists of amounts subject to legal purpose restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments and enforced externally; or through constitutional provisions or enabling legislation.

# ***ELMIRA URBAN RENEWAL AGENCY***

## **NOTES TO FINANCIAL STATEMENTS DECEMBER 31, 2022**

### ***Note 1* Summary of Significant Accounting Policies - Continued**

#### **Equity Classifications - Governmental Fund Financial Statements - Continued**

- **Committed:** Consists of amounts subject to a purpose constraint imposed by formal action of the government's highest level of decision-making authority, the Board of Commissioners, prior to the end of the fiscal year, and requires the same level of formal action to remove said constraint.
- **Assigned:** Consists of amounts subject to a purpose constraint representing an intended use established by the government's highest level of decision-making authority, or their designated body or official. Assigned fund balance represents the residual amount of fund balance.
- **Unassigned:** The unassigned classification should only be used to report a deficit balance resulting from overspending amounts restricted, committed, or assigned for specific purposes.

#### **Restricted Resources**

When an expense is incurred for purposes for which both restricted and unrestricted net assets are available, it is the Agency's policy to apply restricted funds before unrestricted funds, unless otherwise prohibited by legal requirements.

Certain assets are classified on the Balance Sheet as restricted because their use is limited. The proceeds of bond and note sales can only be used for the stated purpose of the borrowing. Community Development Block Grant Funds must be used only for approved programs.

#### **New Accounting Standards**

The Agency adopted and implemented the following current Statements of the GASB effective for the year ended December 31, 2022:

- GASB Statement No. 87, "Leases." The Agency has evaluated the pronouncement and determined there is no material impact on its financial statements.

#### **Future Changes in Accounting Standards**

- GASB has issued Statement No. 96, "Subscription-Based Information Technology Arrangements," effective for the year ending December 31, 2023.

The Agency will evaluate the impact this pronouncement may have on its financial statements and will implement them as applicable and when material.

# ***ELMIRA URBAN RENEWAL AGENCY***

## **NOTES TO FINANCIAL STATEMENTS DECEMBER 31, 2022**

### ***Note 2*** **Cash and Cash Equivalents**

The Agency's investment policies are governed by state statutes. In addition, the Agency follows the City's own written investment policy. Agency monies must be deposited in Federal Deposit Insurance Corporation (FDIC) insured commercial banks or trust companies located within the State that are designated as official depositories of the city. The Agency is authorized to use demand accounts and certificates of deposit. Permissible investments include obligations of the United States Treasury, United States Agencies where payment of principal and interest are guaranteed by the United States, repurchase agreements, and obligations of New York State or its localities.

Collateral is required for demand deposits and certificates of deposit. Deposits must be fully secured by insurance of the FDIC or by obligations pledged as collateral which must be obligations of the United States and its agencies, or obligations of New York State or its municipalities. Collateral must be delivered to the Agency or a custodial bank with which the Agency has entered into a written custodial agreement. The agreement outlines the basic responsibilities of the bank for securities pledged to secure time deposits. The custodial agreement provides collateral securities are held separate from the assets of the custodial bank; the custodian takes possession of the securities exclusively for the Agency; the securities are free of any claims against the trading bank; and any claims of the custodian are subordinate to the claims of the local government.

The written investment policy requires that repurchase agreements be purchased from banks located within the state and that underlying securities must be obligations of the Federal government. Underlying securities must have a market value of at least 100% of the cost of the repurchase agreement.

Deposits and investments are valued at cost plus accrued interest.

The Agency's total financial institution (bank) balances at December 31, 2022 were \$45,876 and entirely covered by FDIC or collateralized with securities held by the pledging financial institution's trust department or agent in the Agency's name. At December 31, 2022, the Agency's restricted cash totaled \$42,366 to be used for economic development.

### ***Note 3*** **Summary of Significant Commitments and Contingencies**

#### **State and Federally Assisted Programs**

The Agency receives many different state and federal grants to be used for specific purposes. These grants are generally conditioned on compliance with certain statutory, regulatory, and/or contractual requirements. The Agency makes every effort to comply with all applicable requirements. However, because these grants are audited from time to time, it is possible the Agency will be required, upon audit, to repay portions of the grant monies received and recorded as revenue in a prior year. Agency officials do not anticipate material grant-in-aid disallowances, and no provision, therefore, is reflected in the basic financial statements.



**INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER  
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS  
BASED ON AN AUDIT OF FINANCIAL STATEMENTS  
PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS***

Commissioners of Elmira Urban Renewal Agency,  
Mayor, and Members of the City Council  
City of Elmira  
Elmira, New York

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and fund information of Elmira Urban Renewal Agency (the Agency), a component unit of the City of Elmira, as of and for the year ended December 31, 2022, and the related notes to the financial statements, which collectively comprise the Agency's basic financial statements, and have issued our report thereon dated March 14, 2023.

**Report on Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the Agency's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Agency's internal control. Accordingly, we do not express an opinion on the effectiveness of the Agency's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the Agency's financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

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**Report on Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Agency's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

**Purpose of This Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the Agency's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Agency's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Respectfully submitted,



Insero & Co. CPAs, LLP  
Certified Public Accountants

Ithaca, New York  
March 14, 2023



**INDEPENDENT AUDITORS' REPORT ON COMPLIANCE WITH  
§2925(3)(f) OF THE NEW YORK STATE PUBLIC AUTHORITIES LAW**

Commissioners of Elmira Urban Renewal Agency,  
Mayor, and Members of the City Council  
City of Elmira  
Elmira, New York

We have audited, in accordance with auditing standards generally accepted in the United States of America, and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and fund information of the Elmira Urban Renewal Agency (the Agency), a component unit of the City of Elmira, as of and for the year ended December 31, 2022, and the related notes to the financial statements, which collectively comprise the Agency's basic financial statements, and have issued our opinion thereon dated March 14, 2023.

In connection with our audit, nothing came to our attention that caused us to believe the Agency failed to comply with the Agency's Investment Guidelines, the New York State Comptroller's Investment Guidelines, or §2925(3)(f) of the New York State Public Authorities Law (collectively, Investment Guidelines), which is the responsibility of the Agency's management, insofar as they relate to the financial accounting knowledge of noncompliance with such Investment Guidelines.

This communication is intended solely for the information and use of the Commissioners and management of Elmira Urban Renewal Agency and the Elmira Mayor and City Council and is not intended to be, and should not be, used by anyone other than these specified parties.

Respectfully submitted,

Insero & Co. CPAs, LLP  
Certified Public Accountants

Ithaca, New York  
March 14, 2023

INSERO & Co. CPAs, LLP

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