

**Assessing the Fourth Branch of Government: The Benefits and
Challenges of Public Authorities in New York State**

**Friday, March 4, 2005
Albany Law School**

AGENDA

- 8:00 am** **Registration & Coffee**
- 8:30 am** **Welcoming Remarks**
Dean Thomas F. Guernsey
Albany Law School
- Prof. Patricia Salkin
*Associate Dean & Director
Government Law Center of Albany Law School*
- 8:45 am** **Public Authorities in New York: Historical Perspectives and
Assessing the Success**
- Richard Ravitch, Esq.
*Ravitch, Rice and Company LLC
Former Chairman of the New York State Urban Development
Corporation and Former Chairman and CEO of the Metropolitan
Transit Authority*
- 9:45 am** **Morning Keynote: Increasing Accountability & Transparency
of New York's Public Authorities**
- The Honorable Alan G. Hevesi
*Comptroller
State of New York*
- 10:30 am** **Break**

10:45 am **Fiscal Implications for the State and Local Governments: *Public-Private Perspectives***

Moderator:

Kenneth Bond, Esq.
Squire Sanders & Dempsey

Panelists:

Walter Kicinski
Managing Director, UBS Financial Services

George H. Weissman
Associate General Counsel, Dormitory Authority

Brian T. McMahon
Executive Director, NYS Economic Development Council

12:00 pm **Lunch**

1:00 pm **The Work of the Commission on Public Authorities**

Ira Millstein
Chairman, The State Commission on Public Authority Reform

2:00 pm **Legislative Perspectives**
The Honorable Richard L. Brodsky
New York State Assembly

The Honorable Vincent L. Leibell
New York State Senate

3:00 pm **Break**

3:15 pm **Where Do We Go From Here?**

Moderator:

Scott Fein, Esq.
Whiteman, Osterman & Hanna

Panelists:

Charles Brecher

*Executive Vice President/Director of Research
Citizens Budget Commission*

Barbara Bartoletti

*Legislative Director
League of Women Voters of New York State*

Patrick J. Bulgaro

Member, New York Temporary State Commission on Lobbying

4:30 pm

Conclusion

SPEAKER BIOGRAPHIES

BARBARA BARTOLETTI has been the Legislative Director for the League of Women Voters of New York State since 1988 and lectures statewide on advocacy/issues and citizen participation in government. She also does political commentary for *Channel 9 News* in the Capital Region and writes a column for the *Post Standard* newspaper in Syracuse, New York. Ms. Bartoletti has also presented at conferences and led workshop training in advocacy, media relations, and coalition building in Russia and Armenia. Her community involvement extends to organizations such as the Council of Community Services, Family Planning Advocates of New York State, League of Women Voters of Albany County, Center for Women in Government, and Public Schools for the 21st Century (PS21).

KENNETH BOND is a partner at Squire, Sanders & Dempsey L.L.P. He has nearly 30 years of experience as transaction counsel involving infrastructure and project finance, including economic and industrial development, public utility, privatization of public facilities and public purpose facilities. He represents and advises public sector issuers, corporations and financial institutions in areas such as public funds and public debt management, public sector energy projects and policy, and the development of financial services products. Mr. Bond is a member of the firm's public securities and financial services practice areas and a member of the Energy Bar Association. He serves as chair of the Public Finance and Economic Development Committee of the Municipal Law Section of the New York State Bar Association. He also serves as vice chair of the Public Finance Committee of the State and Local Government Section of the American Bar Association. Mr. Bond is a member of the Legal and Legislative Committee of the New York State Government Finance Officers Association. He also is a member of the Lower Manhattan Development Task Force of The Bond Market Association. Mr. Bond is the secretary of The Municipal Forum of New York, Inc. In addition, he is a trustee of the Citizens Budget Commission and co-chair of its Committee on State Fiscal Reform. Mr. Bond teaches state and local government finance law at Albany Law School and serves on the advisory board of the Government Law Center of Albany Law School. He is an author, editor and lecturer in numerous areas of public finance and financial services law.

CHARLES BRECHER is Director of Research for the Citizens Budget Commission. He has served in that capacity since 1986 and for several years before then, was a

research consultant to the Commission. He is also a Professor of Health and Public Administration at New York University's Robert F. Wagner Graduate School of Public Service. He received a B.A. degree with honors from the University of Florida and a Ph.D. in political science from the Graduate Division of the City University of New York. He is the author and editor of numerous books and articles in the fields of state and local budgeting and of health care financing. His recent books include *Power Failure*, a study of politics and policy in New York City since 1960 written with Raymond D. Horton and published by Oxford University Press, and *Privatization and Public Hospitals*, a Twentieth Century Fund Report.

RICHARD BRODSKY represents the 92nd Assembly District in Westchester County, New York. He serves as Chairman of the Standing Committee on Corporations, Authorities, and Commissions, which oversees the state's public and private corporations. This includes jurisdiction over business corporation law and telecommunications, as well as all public authorities, such as the MTA, the Thruway Authority, the Public Service Commission, the Port Authority, and the Lower Manhattan Development Corporation. Assemblyman Brodsky has led investigations into corrupt practices in the State's authorities, focusing on three areas. He has pushed for increased financial and budgetary transparency through the creation of an Independent Budget Office. Because of evidence of obstruction of investigations, he has authored legislation to create an independent Inspector General for Public Authorities. Finally, Chairman Brodsky has worked to end procurement lobbying abuses by highly paid, well-connected lobbyists. Previously, Assemblyman Brodsky served as Chairman of the Committee on Environmental Conservation from 1993-2002, where he structured the most dramatic legislative advances in environmental conservation in over two decades. His accomplishments include the legislation that created the Environmental Protection Fund and the Clean Air/Clean Water Bond Act. He has also led efforts to investigate the Indian Point nuclear power plants, and undertook the first independent analysis of the Evacuation Plans for Indian Point. He is also the lead Petitioner and Counsel, along with the Hudson River Sloop Clearwater, Pete and Toshi Seeger and others, in the case of *Brodsky v. Crotty*, a successful lawsuit compelling the State Department of Environmental Conservation to regulate Indian Point's use and pollution of over two billion gallons of Hudson River water daily. Assemblyman Brodsky is a graduate of Brandeis University and Harvard Law School.

PATRICK BULGARO has served four Governors in top executive positions after entering State service during the administration of Governor Nelson A.

Rockefeller. Most recently, he served as Executive Deputy Commissioner of the Department of Taxation and Finance between 1983-1988 and was appointed as First Deputy and Director of the Budget by Governor Mario Cuomo serving between 1988 and 1993. In 1993 he joined the Center for the Disabled, the largest provider of health care services for individuals with disabilities in upstate New York, serving as CEO until 2001.

SCOTT FEIN is a partner at Whiteman Osterman & Hanna in Albany. He previously served as the Assistant Counsel to Governors Hugh Carey and Mario Cuomo, and prior to that was a prosecutor. Mr. Fein and the law firm represent a number of Public Authorities. Mr. Fein is a graduate of Georgetown Law Center and received an LL.M. from New York University.

THOMAS F. GUERNSEY became President and Dean of Albany Law School on September 1, 2002. He brings to the School a wealth of experience as an administrator, having served as dean and professor of law at Southern Illinois University School of Law, interim provost and vice chancellor for academic affairs at Southern Illinois University, and associate dean for academic affairs at the University of Richmond School of Law. He is a graduate of the University of Michigan (B.A.), Wayne State University (J.D.), and Temple University School of Law (LL.M.). Dean Guernsey is admitted to the New Hampshire, Virginia and New York bars. A legal scholar in the areas of evidence, special education law, and disabilities law, Dean Guernsey has served two terms as chair of the Association of American Law Schools Committee on Academic Freedom and Tenure, and has consulted for the National Conference of Bar Examiners, and the Committee of Bar Examiners for California.

ALAN G. HEVESI was elected New York State Comptroller in 2002. Under his stewardship as sole trustee, the nation's second largest pension fund grew from \$95 billion to \$119.2 billion, a 29 percent gain, for the fiscal year ending June 30, 2004. Some of the Comptroller's responsibilities include managing and protecting the state pension fund, auditing the spending practices of all state agencies and local governments, reviewing the New York State and City budgets, reviewing and approving all state contracts, and administering the State Oil Spill Fund. Comptroller Hevesi has tackled many important issues such as successfully proposing and passing pension reform that saved local governments \$1 billion, while strengthening the pension fund. Additionally, Comptroller Hevesi initiated a campaign to expose problems at state public authorities such as the Metropolitan

Transportation Authority, the Long Island Power Authority and the Canal Corp., and laid the basis for fundamental reform and increased accountability of these organizations. He has also been a leader in fighting fraud and corruption in state government. For the first time within the State Comptroller's office, he established a Division of Investigations that has uncovered fraud and corruption in school districts and municipalities statewide. Comptroller Hevesi has also undertaken efforts to boost the upstate economy by setting aside additional funds for a private equity program aimed at investing in New York businesses and for the first time, including economic development within the Division of Local Governments.

WALTER KICINSKI is a Managing Director for UBS Financial Services Inc., having joined PaineWebber in 1985 in order to found the New York Group to focus the Firm's municipal finance business efforts throughout New York State. In his current position Mr. Kicinski helps coordinate the Firm's public finance investment banking activities in New York and elsewhere. Before joining PaineWebber, Mr. Kicinski had served as First Executive Vice President and Chief Administrative Officer of the New York Power Authority. Before that, he served on the staff of New York Governor Hugh Cary for five years, leaving his position as Deputy Secretary to the Governor to join the Power Authority at the end of 1979. He spent a number of years in the New York State Budget Division during the Administrations of Governors Rockefeller and Wilson and also served in the Wilson Administration as Associate Director of the New York State Study Commission for New York City. He graduated from Siena College in 1962, and was a Mid-Career Fellow at the Woodrow Wilson School at Princeton University in 1970-71. Mr. Kicinski is the immediate past Chairman of the Board of Trustees at Siena College and still serves on that governing body for this emerging liberal arts college. He was the past President of the Municipal Forum of New York, and has remained active with the Forum after finishing his Presidency in 2003. Mr. Kicinski is an active member of the Citizens Budget Commission. This year, he was elected to the Board of Trustees of the New York City Transit Museum.

VINCENT L. LEIBELL represents the 40th Senate District which includes Putnam County and parts of Dutchess and Westchester Counties. Upon taking office in January 1995, Senator Leibell was selected to chair the standing Committee on Housing and Community Development. As chairman, he quickly developed a reputation as a national leader in this field, playing an historic guiding role in the reform of New York's complex rent regulation system. In January 1999, Senator

Leibell was selected to chair the Standing Committee on Civil Service and Pensions. During his tenure as chair, he oversaw the enactment of historic legislation that was sought after and discussed for decades, including a permanent cost of living adjustment for public retirees; a veteran's buy back program; historic pension tier equalization; a program to provide heart, lung and blood disease protection for police, firefighters, correction officers and EMS workers; and a series of bills to aid the victims and families of the September 11th terrorist attack at New York's World Trade Center Complex. With the recent problems with Enron and Worldcom, and with New York's Public Authorities, including one of its largest (the Metropolitan Transit Authority), experiencing problems, in January 2003, Senator Leibell was called upon to take on a new assignment as Chairman of the Senate Standing Committee on Corporations, Commissions and Authorities. After authoring and sponsoring the most sweeping public authority reform bill ever to be introduced in New York State, Senator Leibell then chaired a series of statewide public hearings on the issue, seeking to enact legislation to make New York's public authorities the most effective, accountable, open and successful in the nation. A member of the Insurance Committee for 21 of the 22 years he has served in the state legislature, Senator Leibell has also become a recognized leader in the area of financial services. He has served as an active participant in a number of professional national legislative insurance organizations, including the National Conference of Insurance Legislators. Senator Leibell now also serves as a member of the State's new Anti-Terrorism Task Force, as well as a member of the Senate's Budget Subcommittee on Public Protection. Prior to his election to the Senate, Senator Leibell served in the Assembly from January of 1983 to December of 1994, rising through the ranks of that house to become Assistant Minority Leader Pro Tempore. Senator Leibell holds a Bachelor's Degree in Economics and a Law Degree from St. John's University, and a Master's Degree in Public Administration from New York University.

BRIAN MCMAHON has served as the full time Executive Director of the New York State Economic Development Council since January 1, 2000. Prior to that he served in a part time capacity as NYSEDC's Executive Director for seven years while serving as the Director of Economic Development and Manufacturing for The Business Council. NYSEDC is the principal organization representing economic development professionals. Its 900 members include the leadership of Industrial Development Agencies, Empire Zones, Local Development Corporations, commercial and investment banks, underwriters, bond counsels, utilities, chambers of commerce and private corporations. The purpose of NYSEDC is to promote the

economic development of the state and its communities; encourage sound practices in the conduct of regional and statewide development programs; and develop education programs that enhance the professional development skills of its members. Mr. McMahon serves on the Board of Directors of the New York Business Development Corporation and the Council of Development Finance Agencies.

IRA M. MILLSTEIN is a Senior Partner at the international law firm of Weil, Gotshal & Manges LLP where in addition to practicing in the areas of government regulation and antitrust law, he has counseled numerous boards on the issues of corporate governance. He is the Eugene F. Williams Visiting Professor in Competitive Enterprise and Strategy at the Yale School of Management, Honorary Chair of the Yale International Institute for Corporate Governance, and Chairman of the Private Sector Advisory Group of the Global Corporate Governance Forum founded by the World Bank and the Organization for Economic Cooperation and Development (OECD). An Elected Fellow of the American Academy of Arts & Sciences, Mr. Millstein is a frequent lecturer and author on corporate governance, antitrust, and government regulation, and has held teaching posts at institutions such as Harvard University and Columbia University.

RICHARD RAVITCH is a lawyer/businessman/public official who has been engaged in both private and public business for more than 40 years. He began his career in the construction business as a principal of the HRH Construction Corporation. There he was responsible, among other things, for supervising the development, financing and construction of over 45,000 units of affordable housing in New York, Washington, DC, Puerto Rico and other locations. In 1975, he was appointed by Governor Hugh Carey to serve as Chairman of the New York State Urban Development Corporation ("UDC"), a "moral obligation" financing and development agency with 30,000 dwelling units under construction, which had become insolvent and faced the first municipal bankruptcy since the 1930's. Mr. Ravitch designed the first municipal bailout plan. Mr. Ravitch also assisted New York City and State officials in resolving the City's defaults. In 1979, Mr. Ravitch was appointed Chairman and CEO of the Metropolitan Transit Authority ("MTA"), New York's regional urban and suburban transportation system. MTA's responsibilities include operation of the New York City subways and buses, the Long Island Railroad and MetroNorth commuter lines, and the Triborough Bridge and Tunnel Authority. For his work at the MTA, Mr. Ravitch was awarded the American Public Transit Association's Individual of the Year Award in 1982. Following his MTA service, Mr. Ravitch led an effort to recapitalize The Bowery Savings Bank, once the nation's

largest mutual savings bank. Subsequently, Mr. Ravitch was retained by the owners of the Major League Baseball clubs to serve as President of the Player Relations Committee to advise them on the creation of a revenue sharing plan and proposal to the players. He also serves as principal partner in Ravitch Rice & Company LLC. In 1999, Congress created the Millennial Housing Commission to examine the federal government's role in meeting the nation's growing affordable housing challenges. Mr. Ravitch was appointed to serve as Co-Chair of the Commission.

PATRICIA SALKIN is Associate Dean and Director of the Government Law Center of Albany Law School where she teaches courses in Land Use Law, Government Ethics, Housing Law & Policy, Current Legal Issues in Government and NYS Administrative Law. She is an officer and member of the Executive Committee of the Municipal Law Section of the New York State Bar Association, Vice-Chair of the State Bar's Committee on Attorneys in Public Service, and immediate Past-Chair of the American Bar Association's State & Local Government Law Section. Prior to joining the Government Law Center in 1990, Ms. Salkin worked as an Assistant Counsel at the NYS Office of Rural Affairs. She has also worked at the NYS Department of State, the New York State Senate, and the U.S. House of Representatives. Ms. Salkin is a member of the Board of Directors for the State Academy for Public Administration.

WILLIAM SNYDER is the Fellow in Government Law and Policy at the Albany Law School's Government Law Center. A career federal prosecutor prior to joining the Government Law Center, Mr. Snyder served over 13 years as an Assistant United States Attorney in the Western District of Pennsylvania and the District of Columbia. Prior to receiving his law degree, Mr. Snyder served as an Assistant to the Attorney General of the United States and was Deputy Administrative Assistant to Pennsylvania Governor Dick Thornburgh.

GEORGE WEISSMAN is Managing General Counsel to the Dormitory Authority. Mr. Weissman is responsible for the oversight of the Authority's financing programs for public entities, public construction programs and procurement and legislative matters. He is a member of the New York State Bar and the U.S. District Court, Northern District. Mr. Weissman previously served in various capacities with the Office of the State Comptroller and the NYS Senate, including as representative to the MTA Capital Program Review Board. He holds a Bachelor of Arts Degree in Political Science from the State University College at Cortland and a Juris Doctor degree from Albany Law School of Union University.