



**OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY**

BOARD OF DIRECTORS MEETING

Olympic Center, Lake Placid, NY

January 22, 2021

1:00 pm

AGENDA

I. INTRODUCTION

- A. Roll Call**
- B. Agenda Review**
- C. Approval of Minutes from November 20, 2020 Board Meeting**
- D. President's Report**

II. OLD BUSINESS

III. NEW BUSINESS

A. Resolutions

- Σ Resolution # 402 – Resolution Committing Capital and Granting Approval for the President & CEO to Enter Into an Agreement for Lift Modernizations at Whiteface Mountain for Components of the Face Lift and Cloudsplitter Gondola**
- Σ Resolution # 403 – Resolution Committing Capital and Granting Conditional Approval for the President & CEO to Enter Into an Amended Agreement for the Olympic Sports Complex – Transformation Projects Site Work**
- Σ Resolution # 404 – Resolution Committing Capital and Granting Approval for the President & CEO to Enter Into Agreements for the Olympic Ski Jumping Complex Outrun Reconstruction Project**
- Σ Resolution # 405 – Resolution Committing Capital and Granting Approval for the President & CEO to Enter Into an Agreement for the Update and Extension of ORDA's Workers' Compensation Insurance Policy**
- Σ Resolution # 406 – Resolution Approving and Adopting a Background Check Policy**
- Σ Resolution # 407 – Resolution Approving and Adopting an Open Data Policy Pursuant to Executive Order 95**

IV. ADJOURN



NYS Olympic Regional Development Authority
Board Meeting Minutes
November 20, 2020

Present: Kelly Cummings, Chair
William Beaney
Cliff Donaldson
Stephen Hunt, ESD
Thomas Keegan
Andrew Lack
Arthur Lussi
Diane Munro
Christopher Pushkarsh, OPRHP
Jeffrey Stefanko, DEC
Elinor Tatum (joined at 1:19pm due to technical issues)

Also Present: Michael Pratt, President/CEO
Michelle Crew, General Counsel

Introduction: Chairperson Kelly Cummings called the meeting to order at 1:04 p.m. and welcomed everyone in attendance.

Ms. Cummings then asked for a roll call, and confirmed a quorum was present. Ms. Cummings explained that the meeting was being videotaped and a link to the recording would be made available on www.orda.org.

Minutes: On a motion by Mr. Hunt, seconded by Mr. Beaney, the minutes of the Board of Directors meeting held on September 25, 2020 were approved without changes.

All in favor, motion carried unanimously.

President's Report: Mr. Pratt informed the board about the hard work in progress as ORDA prepares for winter. He explained the track at Mt. Van Hoevenberg has been open for training in luge, bobsled, and skeleton. Construction projects are wrapping up and staff training and refreshers for safety, policy, risk management and COVID-19 protocols have been underway.

Mr. Pratt recognized Tony Kilburn from the Olympic Center and Phil Baumbach from the IT Department who have upcoming retirements.

Mr. Pratt provided an overview of recent projects and activities at the venues. Belleayre's patio in front of the Discovery Lodge will allow for more year-round outdoor seating, and the resort has begun making snow. Gore's Sunway Chair terminals are in and the cable is spliced, and the



High Peaks Chair is progressing nicely as well. Gore has also begun making snow. The impressive Whiteface Mid-Station Lodge progress includes the patio installation and floor installation. The Lift C replacement at Bear Den is concluding, with the terminals placed and the certification planned for shortly after Thanksgiving.

At Mt. Van Hoevenberg, the site work, drop-off area, the awards plaza, and access bridge are complete. The Mountain Pass Lodge features lighting themed after the Olympic torches and rings.

All areas are getting underway with snowmaking, which features updated technology to increase efficiency and standardize operations.

Mr. Pratt also shared an overview of ski area plans. Guest communications, assurances and guidelines have been communicated. The season pass numbers are on the increase, as the core customer base of ORDA's facilities continues to grow and add to the economic development of the region.

ORDA venues have been open throughout the summer and fall, with offerings such as retail, ticketing, lifts, and foodservice. Winter-specific operations will add on capacity controls, date-specific reservation requirements, health screening and support for contact tracing, and additional signage. The emphasis is on the outdoor experience. The websites are equipped with a variety of health and safety details about the various aspects of visiting the venues.

Mr. Lussi asked about capacities based on how many lifts are available. Mr. Pratt responded that the smallest capacity will be during the earliest part of the season when terrain is minimal. Conservative carrying capacities have been developed based on historical data, season passholder numbers, and available acreage.

Ms. Cummings asked about opening dates, which are presently tentative due to snowmaking weather, but the day after Thanksgiving is targeted. She also inquired about available amenities at the Mid-Station Lodge at Whiteface, which will offer two floors of space, restrooms, and grab-and-go food.

Ms. Munro inquired about ticket pricing and availability. It was confirmed that e-tickets would be available the week following the meeting, and these would offer discounts for booking in advance and for reserving off-peak times.

Mr. Lussi inquired about the Cliffside Coaster. This attraction has been very popular and is operating on long weekends. The schedule will be expanded after the construction at Mt. Van Hoevenberg concludes.



New Business:

Resolutions:

#397 Resolution Committing Capital and Granting Approval for the President & CEO to Enter into Agreements for the Olympic Center Revitalization – 1932 Rink/Jack Shea Arena & the 1980 Rink/Herb Brooks Arena Construction and Construction Administration and Phase One Construction Management

On a motion by Mr. Beaney, seconded by Ms. Munro.

Mr. Pratt explained the arenas are antiquated, and this project would replace air handling, dehumidification system, and seats, while remodeling locker rooms, showers, restrooms, and athlete and public spaces. A significant amount of modernization and rehabilitation work would bring the facility into line with current code compliance and ADA requirements, and would also include upgraded media areas, concession spaces, and drug testing areas. The 1932 Rink requires abatement work. The resolution includes all aspects and phases of the project, including but not limited to construction/management services, schematics, bidding, drawing submittals, testing, and contractor communications. This involves several infrastructural aspects including plumbing, mechanical, and electrical work.

Ms. Cummings inquired about what would be open to public during the construction, and Mr. Pratt responded that ORDA has been strategic with the scheduling to limit interference with the operation. April and May 2021 would likely have the largest impact on access to ice, but one rink could be made available if needed.

Ms. Munro asked about the project progression and the different roles involved. Mr. Pratt explained the architect ensures compliance with the design intent and code review. He explained that a good team has been established around this project and the planning has been done in cooperation with other state entities.

All in favor, motion carries unanimously, adopted Resolution #397.

#398 Resolution Committing Capital and Granting Approval for the President & CEO to Enter into an Agreement for the Olympic Center Revitalization – Refrigeration Plant Project

On a motion by Ms. Tatum, seconded by Mr. Beaney.

Mr. Pratt explained that the refrigeration is from 1978 and it has exceeded its life expectancy. This project would provide new, more reliable refrigeration capabilities.

Mr. Lussi asked if this refrigeration was different from the Oval. While the Oval's temporary refrigeration would be handled under a separate resolution, this project would include the



entire ice facility, including the three rinks and the Oval. Mr. Beaney asked if this project would offer longer-term use out of the Oval. 174 more tons of refrigerant will be able to be pumped through the facility, offering more reliability against climate change and temperature swings.

All in favor, motion carries unanimously, adopted Resolution #398.

#399 Resolution Committing Capital and Granting Approval for the President & CEO to Enter into an Agreement for the Olympic Center Revitalization – Temporary Refrigeration

On a motion by Ms. Munro, seconded by Ms. Tatum.

Mr. Pratt discussed that after exploring different options to ensure the operation while the refrigeration is offline, a temporary electric service will best service the needs of the more remote Oval location. It avoids operating and piping costs, as well as the noise and environmental effects of a diesel-powered option. The resolution covers a maximum of two years, but will likely necessitate less time.

Mr. Lussi inquired about the cost of electricity. Electricity is less than diesel due to the needs for powering a compressor only, rather than renting a compressor and generator.

All in favor, motion carries unanimously, adopted Resolution #399.

#400 Resolution Committing Operating Funds and Granting Approval for the President & CEO to Enter into an Agreement for the 2020-2021 Annual Policy of Health Insurance

On a motion by Ms. Munro, seconded by Mr. Donaldson.

Ms. Crew explained that after an RFP process and collecting of quotes from a variety of providers, it is recommended that the same provider be renewed. This provider includes sufficient network providers in the region, and the rates are the same as last year.

Mr. Lussi asked about how ORDA determines the percentage of a policy the organization will cover, given the rise in health care costs in recent years. ORDA's HR Director David McKillip explained that ORDA has moved to high-deductible health plans which have saved on costs and helped with controlling renewal rates.

Ms. Munro asked about when the coverages are reviewed. A review of benefits typically takes place over an 18-month period with an insurance broker. Mr. McKillip explained that the bargaining unit agreement expires this March, and that coverages will be maintained during the negotiations.

Mr. Keegan asked about how many people are insured under the resolution, which is 351. This number could fluctuate based on new hires or people leaving. He commented that the costs



were significant, but felt that it was a high-quality plan.

All in favor, motion carries unanimously, adopted Resolution #400.

#401 Resolution Approving and Adopting a Property Disposition Policy and Approving and Adopting the State of New York Equal Employment Opportunity Rights and Responsibilities Handbook as the ORDA Discrimination and Sexual Harassment Policy

On a motion by Mr. Lussi, seconded by Mr. Hunt.

Ms. Crew said that ORDA currently has both a property disposition policy and sexual harassment policy, but both needed to be updated. The new property disposition policy identifies a Contracting Officer and includes a checklist that shows employees the necessary steps they will need to follow to keep property records maintained.

The State of New York Equal Employment Opportunity Rights and Responsibilities Handbook is relied on by the Governor's Office and other state agencies in evaluating compliance with discrimination and sexual harassment policies. It was recommended by the NYS Governor's Office of Employee Relations that ORDA adopt the handbook as their updated policies.

Ms. Munro commended Ms. Crew on her attention to detail and for taking care of the important policy work.

All in favor, motion carries unanimously, adopted Resolution #401.

Chair:

Ms. Cummings announced that the next meeting is presently scheduled for Friday, January 22, 2021 at 1:00pm.

In closing, Mr. Lussi inquired about the new snowmaking at Mt. Van Hoevenberg. Mr. Pratt explained that there has been a successful start to the snowmaking season both there and at the Olympic Jumping Complex.

Adjournment:

On a motion by Ms. Munro, seconded by Ms. Tatum, the meeting of the Olympic Development Authority Board of Directors was adjourned at 1:51 p.m.



NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

Resolution # 402

**RESOLUTION COMMITTING CAPITAL AND GRANTING APPROVAL FOR
THE PRESIDENT AND CEO TO ENTER INTO AN AGREEMENT FOR LIFT
MODERNIZATIONS AT WHITEFACE MOUNTAIN FOR COMPONENTS OF THE
FACE LIFT AND CLOUDSPLITTER GONDOLA**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on January 22, 2021, the Chair offered the following resolution:

WHEREAS, ORDA desires to enter into a proposed Agreement for work on a project entitled “WFM Lift Modernization” (WFM.20.011.001) with Doppelmayr USA, Inc., for necessary repairs and improvements at Whiteface Mountain Ski Center (the “Project”); and

WHEREAS, a general overview of the Project scope includes, but is not limited to, all the proprietary design/engineering for the manufactured systems and components to be included within the contract and all the labor, materials, tools, equipment and temporary facilities to manufacture, transport to the contract/project location and to install as required by the scope of the identified systems. The Cloudsplitter Gondola upgrade shall include a new low-voltage control system and the Face Lift upgrade shall include a new low-voltage control system, DC Drive replacement, communication line replacement and associated components; and

WHEREAS, the Project is part of a continuing effort to provide upgrades and improvements to ORDA facilities that are necessary to ensure the continued success of ORDA operations; and

WHEREAS, following a provide and install manufactured system Request for Proposals in the New York State Contract Reporter, Doppelmayr USA, Inc. submitted a proposal for ORDA’s consideration and said bid was awarded as the lowest responsible bidder; and

WHEREAS, the lump sum cost for the Project is \$2,170,000.00; and

WHEREAS, the anticipated final completion date for the Project is July 21, 2021; and

WHEREAS, the President & CEO has requested that the Board commit the requisite capital for the Project; and

WHEREAS, pursuant to ORDA’s By-Laws, Art. VI § 2, which requires that the President & CEO obtain Board approval prior to entering into agreements the value of which

will be in excess of \$250,000.00 or more over the life of the contract, the President & CEO has requested authority to enter into the foregoing proposed Agreement.

THEREFORE, BE IT RESOLVED that the Board of Directors hereby authorizes the expenditure of funds and commits the capital for the Project as is described more fully herein; and

THEREFORE, BE IT FURTHER RESOLVED that, the Board of Directors hereby authorize the President & CEO to enter into the proposed Agreement under the circumstances and incorporating the terms described above.

MOVED BY: _____

SECONDED BY: _____

and

ADOPTED BY the following vote:

Excused/Abstained:

Against:

Emily Stanton, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 402 was duly passed by the Board of Directors on January 22, 2021.

Signature _____

Title: Secretary to the Board of Directors

Sworn before me this _____ day of January 2021

Notary Public, State of New York



NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

Resolution # 403

RESOLUTION COMMITTING CAPITAL AND GRANTING CONDITIONAL APPROVAL FOR THE PRESIDENT & CEO TO ENTER INTO AN AMENDED AGREEMENT FOR THE OLYMPIC SPORTS COMPLEX - TRANSFORMATION PROJECTS SITE WORK

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on January 22, 2021, the Chair offered the following resolution:

WHEREAS, on May 22, 2019, the Board of Directors (“Board”) approved Resolution #330, entitled “Resolution Committing Capital and Granting Conditional Approval for the President & CEO to Enter Into an Agreement for the Olympic Sports Complex – Transformational Projects Site Work” (Contract No. OSC.18.004.011) (“the Agreement”); and

WHEREAS, Resolution #330 provided, among other things, for a variety of upgrades at the Olympic Sports Complex to facilitate trailhead access, enable expanded ski trails and snowmaking capabilities, establish broadcast media infrastructure and a Nordic Stadium, a new biathlon shooting range, provide parking lot improvements, accommodate a planned alpine coaster recreational ride system, and assure compliance with the Americans with Disabilities Act (ADA); and

WHEREAS, the specific work to be performed included the installation of the lower campus wastewater collection and treatment system, and trenching and backfill for primary and secondary electrical distribution and outside plant network duct bank, including a media compound and the outside plant network operations center; and

WHEREAS, the value of the original Agreement, as approved by the New York State Office of the Comptroller and Office of the Attorney General, was \$25,645,355; and

WHEREAS, thereafter, during the design of the onsite wastewater system, the area initially identified for the subsurface wastewater disposal system was determined to have high ground water making it not suitable for subsurface disposal, however suitable soils were found in the snow field area where the proposed subsurface absorption area will now be located, with additional pumping and pipeline to convey the wastewater; and

WHEREAS, the design of the permanent site electrical and site data and communications was completed at the end of 2019, which included additional buried conduit and vaults to facilitate the installation of the permanent power and telecommunications at the venue; and

WHEREAS, as a result of the need for the changes described above, on March 16, 2020, the Board approved Resolution #374 to Amend the original contract to increase its value by \$2,090,000.00 for a total estimated cost of work of \$27,735,355.00, as approved by the New

York State Office of the Comptroller and the Office of the Attorney General on May 12, 2020; and

WHEREAS, thereafter, changes to the specific work to be performed included the infrastructure to support electric vehicle charging stations for six vehicles. Due to the anticipated growth in demand for charging stations, ORDA proposed to increase the support infrastructure to allow for up to ten dual charging stations with a twenty vehicle future capacity; and

WHEREAS, changes to the specific work to be performed further included plans for the installation of two ski bridges on the Nordic trail network for stream crossings when, during the design process, field work identified that the wetlands bordering the stream were larger in extent than initially anticipated, as a result the dimensions of the two ski bridges needed to be increased in order to span the wetlands and stream; and

WHEREAS, changes to the specific work to be performed further included the water pumping and transmission system to feed the snowmaking reservoir that relied on existing wells onsite and the North Meadowbrook Pump House, with a sharing capacity between the existing wells to satisfy the potable water demand in addition to the snowmaking demand. During the design process, the capacity of the existing wells onsite were tested and determined to have less capacity than originally anticipated, which resulted in modifying the potable water system to use the existing wells exclusively and adding a new well to supply water to the snowmaking reservoir, along with modifications of the pumping system to combine the North Meadowbrook Pump station and the new well; and

WHEREAS, changes to the specific work to be performed further included the construction of a new biathlon range, which the final design stage reflected the requirement of additional alterations to bring the range into compliance with the International Biathlon Union homologation standards for competition, including a lower infield area which will entail using concrete curbing and modifications to the drainage, and additional fencing to provide separation of competition areas and to provide a uniform backstop behind the range targets; and

WHEREAS, changes to the specific work to be performed further included site stormwater drainage improvements, which required additional improvements needed to handle unforeseen drainage issues for the final homologation grade requirements of the biathlon stadium, and for design and grading changes at the Base Lodge south end and trail area, and to complete the drainage design in the Awards Plaza and ADA Drop-Off area and unforeseen grade issues with the buried propane storage tank system; and

WHEREAS, as a result of the need for the changes described above, on August 7, 2020, the Board approved Resolution #391 to Amend the original contract to increase its value by \$873,000.00 for a total estimated cost of work of \$28,608,355.00, as approved by the New York State Office of the Comptroller and the Office of the Attorney General on December 16, 2020; and

WHEREAS, thereafter, during the design of the reservoir, it was discovered the subsurface soil borings provided in the Request for Proposals (RFP) for a basis of design for the reservoir did not fully reflect the actual subsurface conditions, and the RFP was specific in the avoidance of any design which would impact the schedule, such as a “dam” that requires permitting

from the NYS Department of Environmental Conservation. Accordingly the configuration of the reservoir was modified as to conform to the existing subsurface conditions. Said conditions resulted in an increase of overburden excavation and a reduction of mass blasting causing the Contractor to change their proposal methodology and reduce the size of the proposed reservoir and the delivery of crushed aggregate for many elements of the project. Additionally, it was determined that increased fencing around the reservoir was in the best interest of the safety of wildlife and guests; and

WHEREAS, changes to the specific work to be performed further included the addition of temporary tanks and pumps for potable water supply to allow for filling and testing hydronic mechanical heating and fire sprinkler equipment for phased occupancy of the Base Lodge and for commissioning the snowmaking system and the mitigation of existing corroded supply piping at the North Meadowbrook Pump House; and

WHEREAS, changes to the specific work to be performed further included the new Base Lodge Push Track roof drains which lie adjacent to the new ski trail system and required installation of a stone drip edge system to avoid undesirable and unsafe trail conditions; and

WHEREAS, changes to the specific work to be performed further included the relocation of four pairs of snowmaking hydrants and the relocation of highpoint drains with direct piping to nearby swales and air-relief valves that will provide better coverage and reduced operational costs and maintenance; and

WHEREAS, the Novel COVID-19 virus impacted the operation of the local concrete batch plant and the Contractor was required to secure concrete from an alternate batch plant at an increased cost; and

WHEREAS, the final design and installation of the wastewater system has been completed and has resulted in a credit to the previously approved amount, therefore this amount needs to be credited back into the funding; and

WHEREAS, the proposed Amendment will reflect these changes to the scope of work; and

WHEREAS, pursuant to the terms of the proposed Amendment, the change order will increase the value of the contract by \$553,458.16 for a total estimated cost of work of \$29,161,813.16; and

WHEREAS, due to the changes described herein, including all previous changes, the date of Substantial Completion is now November 6, 2020 with a Physical Completion date of January 15, 2021; and

WHEREAS, the President & CEO has requested that the Board commit the requisite capital for the proposed Amendment; and

WHEREAS, pursuant to ORDA's By-Laws, Art. VI § 2, which requires that the President & CEO obtain Board approval prior to entering into any agreement the value of which will be in

excess of \$250,000.00 or more over the life of the agreement, the President & CEO hereby requests the authority to enter into the foregoing proposed Amended Agreement on the revised terms as provided for herein, and subject to approval by the Office of the State Comptroller and the Office of the Attorney General; and

THEREFORE, BE IT RESOLVED that the Board of Directors hereby authorizes the expenditure of funds and commits the capital for the proposed amendment, which will authorize the change order described herein to Resolution #330, entitled “Resolution Committing Capital and Granting Conditional Approval for the President & CEO to Enter Into an Agreement for the Olympic Sports Complex – Transformational Projects Site Work” (Contract No. OSC.18.004.011); and

THEREFORE, BE IT FURTHER RESOLVED that, subject to the approval of the proposed Agreement by the Office of the State Comptroller and the Office of the Attorney General, the Board of Directors hereby authorizes the President & CEO to enter into the proposed Amended Agreement upon the terms and amounts provided for above.

MOVED BY: _____

SECONDED BY: _____

and

ADOPTED BY the following vote:

Excused/Abstained:

Against:

Emily Stanton, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 403 was duly passed by the Board of Directors on January 22, 2021.

Signature _____

Title: Secretary to the ORDA Board of Directors

Sworn before me this _____ day of January 2021

Notary Public, State of New York



NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

Resolution # 404

RESOLUTION COMMITTING CAPITAL AND GRANTING APPROVAL FOR THE PRESIDENT & CEO TO ENTER INTO AGREEMENTS FOR THE OLYMPIC SKI JUMPING COMPLEX OUTFRAN RECONSTRUCTION PROJECT

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on January 22, 2021, the Chair offered the following resolution:

WHEREAS, ORDA desires to enter into proposed Agreements entitled “HS128 & HS100 Outrun Reconstruction Contract” (OJC.20.001.100), “Snowmaking System Contract” (OJC.20.001.101), “Electrical and IT Conduit Installation Contract” (OJC.20.001.104), “HS128 & HS100 Outrun Reconstruction Construction Management Contracts” (OJC.20.001.007-008), and “HS128 & HS100 Outrun Reconstruction Construction Administration Contracts” (OJC.20.001.009-013) for necessary upgrades and improvements at the Olympic Ski Jumping Complex (the “Project”); and

WHEREAS, the Project work shall include all work in the Project Manual and on the Project Drawings, including all labor, equipment, materials and temporary facilities for the Project, the scope of which shall include, but not be limited to:

- Σ “HS128 & HS100 Outrun Reconstruction Contract” (OJC.20.001.100), ORDA is still evaluating bid proposals – performing the reconstruction of the profiles of the HS128 and HS100 ski jump outruns and installation of a concrete surface, which includes steel structures, grading, concrete work, deflection boards, stair systems, drainage system, installation of lighting foundations and excavation for conduit system and other miscellaneous electrical and information technology conduits, developing a stormwater pollution prevention plan, and full cooperation and coordination with other contracts that are involved in the Project and final clean-up.
- Σ “Snowmaking System Contract” (OJC.20.001.101), to be performed by G.W. Tatro Construction NY LLC - performing the reconstruction of the HS128, HS100, HS10, HS20 and HS40 ski jump outruns snowmaking systems and new Pump House. ORDA will supply snowmaking distribution piping (pump house piping is excluded), air compressor and snow guns. The Contractor shall be responsible for receiving and unloading ORDA supplied piping and air compressor. Startup assistance, commissioning, training, and final clean-up are included. Additional contingency has been added due to unit pricing.
- Σ “Electrical and IT Conduit Installation Contract” (OJC.20.001.104), to be performed by Northline Utilities – assisting Venue operations staff with the installation of electrical and IT conduit. Materials by ORDA and trenching by Contact No. OJC.20.001.100.

- Σ “HS128 & HS100 Outrun Reconstruction Construction Management Contracts” (OJC.20.001.007-008) to be performed respectively by Gilbane Building Company and aBAERE Group - Construction Management Services are to include management and coordination of the Project and third-party specialty inspections. Preconstruction phase services are to include but not be limited to interdisciplinary document review and estimates services. Includes all expenses.
- Σ “HS128 & HS100 Outrun Reconstruction Construction Administration Contracts” (OJC.20.001.009-013) be performed respectively by Schoder Rivers Associate, North Woods Engineering, Reynolds Architecture Engineering, The LA Group, and Sno-Matic - Construction Administration Services includes all primes and all sub-consultants management, and supervision for Shop Drawings/Submittal review, addressing Request for Information, issuance of Information Bulletins and subsequent Work Change Directives, management of Quality Control/Quality Assurance Program, interpretation of Contract Documents and expenses.

WHEREAS, ORDA desires to enter into proposed Agreements entitled “Snowmaking Compressor Purchase Contract” (OJC.20.001.107), “Snowmaking Summer Jumping Surface Contract” (OJC.20.001.102), “Electrical and IT Conduit Purchase Contract” (OJC.20.001.113), “Snowmaking Piping Purchase Contract” (OJC.20.001.105), “Snowmaking Snow Gun and Hose Purchase Contract” (OJC.20.001.106), and “Summer Surface Precast Lighting Foundation Contract” (OJC.20.001.110) for the supply of commodities contracts as identified in the Project Manuals which includes all materials and delivery and, if required, technical installation services for the Project, the scope of which shall include, but not be limited to:

- Σ “Snowmaking Summer Jumping Surface Contract” (OJC.20.001.102) ORDA is still evaluating bid proposals – supply all materials required to cover the HS128 & HS100 with a summer jumping surface for off season jumping, and snow retention netting for winter jumping. All materials shall meet FIS Specifications for alpine competition equipment. Vendor shall also provide five days on site supervision for plastic installation and two days on site to supervise the installation of snow retention nets. Materials are procured via posting on New York State Contract Reporter.
- Σ “Snowmaking Compressor Purchase Contract” (OJC.20.001.107) to be performed by Wise Air Inc. – supply and delivery of a centrifugal type air compressor system with enclosure and start-up for snowmaking operations. Materials are procured via posting on New York State Contract Reporter.
- Σ “Electrical and IT Conduit Purchase Contract” (OJC.20.001.113), supply of electrical and IT conduits for installation by ORDA with assistance by Contract No. OJC.20.001.104 and trenching by Contract No. OJC.20.001.100.
- Σ “Snowmaking Piping Purchase Contract” (OJC.20.001.105) to be performed by Crestwood Tubulars – supply 2-inch, 4-inch and 6-inch snowmaking piping required to complete the design as provided by Sno-Matic Engineering, Snowmaking Distribution Upgrades-2020 and all Detail Drawings. Materials are procured via posting on New York State Contract Reporter.

Σ “Summer Surface Precast Lighting Foundation Contract” (OJC.20.001.110) to be performed by Musco – supply pre-cast lighting foundation units for installation by Contract No. OJC.20.001.100. Materials are procured via Piggy-Back Procurement Contract.

WHEREAS, the Projects are part of a continuing effort to provide upgrades and improvements to ORDA facilities that are necessary to ensure the continued success of ORDA operations; and

WHEREAS, to do this ORDA will need to be able to commit to the expenditure of funds necessary for the expenses related to the Project including but not limited to possible contracts for design and/or construction as soon as any funds are made available; and

WHEREAS, following design-bid-build Requests for the construction Proposals in the New York State Contract Reporter, of the proposals submitted for ORDA’s consideration, including, but not limited to, the companies referenced hereinabove, all bids chosen by ORDA were determined to be the lowest responsible bidder for the Project; and

WHEREAS, following Requests for Proposals the commodities in the New York State Contract Reporter or via Piggy-Back Procurement in compliance with State Finance Law, of the proposals submitted for ORDA’s consideration, including, but not limited to, the companies referenced hereinabove, all bids chosen by ORDA were determined to be the Best Value bidder for the Project; and

WHEREAS, the anticipated cost of the Project is approximately \$11,300,000.00; and

WHEREAS, the President & CEO has requested that the Board commit the requisite capital for the Project; and

WHEREAS, pursuant to ORDA’s By-Laws, Art. VI § 2, which requires that the President & CEO obtain Board approval prior to entering into agreements the value of which will be in excess of \$250,000.00 or more over the life of the contract, the President & CEO has requested authority to enter into those Agreements listed above that exceed \$250,000.00.

THEREFORE, BE IT RESOLVED that, subject to any necessary review and approvals as may be required by law or regulation, the Board of Directors hereby authorizes the President & CEO to invest up to \$11,300,000.00 for expenses related to the Project as is described more fully herein, including but not limited to the authority to enter into those contracts identified in this resolution that exceed \$250,000.00. The President & CEO will report to the Board of Directors at each meeting the status of the Project and the amount and type of any contracts entered into since the last meeting of the Board of Directors, in implementing the work necessary for upgrades and improvements at the Project.

THEREFORE, BE IT FURTHER RESOLVED that, the Board of Directors hereby authorize the President & CEO to enter into the proposed Agreements under the circumstances and incorporating the terms described above.

MOVED BY: _____

SECONDED BY: _____

and

ADOPTED BY the following vote:

Excused/Abstained:

Against:

Emily Stanton, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 404 was duly passed by the Board of Directors on January 22, 2021.

Signature _____

Title: Secretary to the Board of Directors

Sworn before me this ____ day of January 2021

Notary Public, State of New York



NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

Resolution # 405

RESOLUTION COMMITTING CAPITAL AND GRANTING APPROVAL FOR THE PRESIDENT & CEO TO ENTER INTO AN AGREEMENT FOR THE UPDATE AND EXTENSION OF ORDA'S WORKERS' COMPENSATION INSURANCE POLICY

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on January 22, 2021, the Chair offered the following resolution:

WHEREAS, ORDA currently maintains a three-year Workers' Compensation Insurance Policy with ORDA's Workers' Compensation Insurance Carrier, Public Employer Risk Management Association Inc. (PERMA); and

WHEREAS, the third term of the current contract began on January 1, 2021; and

WHEREAS, PERMA has offered an incentive to extend the current contract for an additional year until January 1, 2023; and

WHEREAS, the incentive being offered will reduce ORDA's 2021 premium costs by \$42,298.00 from \$1,691,935 to \$1,649,637 and will include an updated loss ratio adjustment as set forth below; and

WHEREAS, this incentive is being offered in part due to ORDA's loss ratio of 37.21% for the 2020 contract term; and

WHEREAS, the amount of premium in 2022 will be dependent on a ratio that is determined by the amount of losses that ORDA incurs in 2021 as follows:

Σ For a loss ratio equal to or less than 45%, \$1,484,673;

Σ For a loss ratio greater than 45% to less than or equal to 55%, \$1,598,498;

Σ For a loss ratio greater than 55% to less than or equal to 75%, \$1,649,637;

Σ For a loss ratio of greater than 75%, 1,765,112; and

WHEREAS, under the first three scenarios, ORDA will pay the same or substantially less than its 2021 premium; and

WHEREAS, PERMA has been ORDA's carrier for Workers' Compensation Insurance since 2008 and has been working with ORDA for the past three years to implement programs through which ORDA has reduced and will continue to work to reduce its Workers' Compensation insurance costs; and

Emily Stanton, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 405 was duly passed by the Board of Directors on January 22, 2021.

Signature _____

Title: Secretary to the Board of Directors

Sworn before me this _____ day of January 2021

Notary Public, State of New York



NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

Resolution # 406

RESOLUTION APPROVING AND ADOPTING A BACKGROUND CHECK POLICY

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on January 22, 2021, the Chair offered the following resolution:

WHEREAS, pursuant to Public Authorities Law § 2824, the Board of Directors is charged with establishing written policies and procedures governing the conduct of ORDA and ORDA personnel; and

WHEREAS, ORDA is committed to the highest standards for its employees, and to complying with all applicable statutes and regulations in making employment decisions; and

WHEREAS, consistent with the law, it is ORDA's intent to implement and adopt a written policy and procedure to determine the overall fitness for employment of a Candidate, as that term is defined in the Policy, to promote a safe work environment for other ORDA employees, to ensure the safety of the visiting public and the many athletes who utilize ORDA venues for training and competition, and to assure the protection of ORDA property, proprietary information, and other assets; and

WHEREAS, due in part to the requirements of the Safe Sport Authorization Act (Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, 36 U.S.C. § 22051) and ORDA's relationship with the United States Olympic and Paralympic Committee, those ORDA staff who are employed in certain titles, as is further detailed in the Policy, will be subject to ongoing background check requirements during the terms of their employment; and

WHEREAS, ORDA will conduct all employment background checks in accordance with the terms of this Policy, New York State's Fair Credit Reporting Act (N.Y. GEN. BUS. LAW § 380), the Federal Fair Credit Reporting Act (15 U.S.C. § 1681), and all other applicable laws, statutes, rules, and regulations including, but not limited to, New York State Correction Law Article 23-a; and

WHEREAS, ORDA will use a TPA, as defined in the Policy, that is approved by the United States Olympic and Paralympic Committee ("USOPC") as a background check vendor. The authorized TPA will be a full-service screening organization that works in accordance with the recommended guidelines established by the USOPC; and

WHEREAS, the responsibility for implementation and oversight of this Policy resides with the ORDA Office of Human Resources, unless otherwise noted within the Policy; and

WHEREAS, based on the foregoing, it is found and determined that it is both necessary and desirable to implement and adopt a comprehensive Background Check Policy which is compliant with applicable State and Federal laws and regulations; and

WHEREAS, annexed hereto and made a part hereof as if fully restated herein, is ORDA’s proposed Background Check Policy;

THEREFORE, BE IT RESOLVED, that after careful consideration and due deliberation, the Board of Directors hereby approves and adopts the attached Background Check Policy, effective immediately, that will be posted on the ORDA website and implemented across all ORDA venues.

MOVED BY: _____

SECONDED BY: _____

and

ADOPTED BY the following vote:

Excused/Abstained:

Against:

Emily Stanton, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 406 was duly passed by the Board of Directors on January 22, 2021.

Signature _____

Title: Secretary to the Board of Directors

Sworn before me this _____ day of January 2021

Notary Public, State of New York



BACKGROUND CHECK POLICY

I. PURPOSE AND SCOPE

In making employment decision, the Olympic Regional Development Authority (“ORDA”) is committed to the highest standards for its employees, and to complying with all applicable Federal and State statutes and regulations, as well as other applicable requirements. Accordingly, all applicants for employment with ORDA will be subject to a background check in accordance with the terms of this Policy. The information collected through a background check process is necessary to determine an applicant’s overall fitness for employment, to promote a safe work environment for other ORDA employees, and to ensure the safety of the visiting public and the many athletes who utilize ORDA venues for training and competition. It will also help to assure the protection of ORDA property, proprietary information, and other assets.

In addition, due in part to insurance requirements applicable to ORDA, and due in part to the requirements of the Safe Sport Authorization Act (Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, 36 U.S.C. § 22051) and ORDA’s relationship with the United States Olympic and Paralympic Committee, those ORDA staff who are employed in specific titles as is further detailed herein, will be subject to ongoing background check requirements during the terms of their employment. Information derived from these ongoing background check requirements will be used by ORDA to determine the ongoing fitness of employees for the duties of the titles they occupy.

ORDA will conduct all employment background checks in accordance with the terms of this Policy. ORDA’s use of the information gained through a background check will at all times comply with New York State’s Fair Credit Reporting Act (N.Y. GEN. BUS. LAW § 380), the Federal Fair Credit Reporting Act (15 U.S.C. § 1681), and all other applicable laws, statutes, rules, and regulations including, but not limited to, New York State Correction Law Article 23-a. Should any provision of this Policy conflict with any applicable law or regulation, that provision will be considered void and all other provisions of this Policy shall remain in full force and effect.

II. ACRONYMS AND DEFINITIONS

Article 23-a – shall mean the New York State Correction Law Article 23-a, which prohibits an employer from unfairly discriminating against a person previously convicted of one or more criminal offenses.

Athlete(s) – shall mean those Team USA athletes, as that term is defined in the current ORDA-USOPC contract, using an ORDA facility in connection with training or competition. The term “Athlete(s)” does not extend to members of the general public using an ORDA facility, or to clubs or organizations that may enter into third-party agreements with ORDA for the use of an ORDA facility.

Candidate – shall mean any person who has applied for or is being considered for a full-time, part-time, or temporary/seasonal position identified in Categories 1, 2, or 3, as defined herein, as well as any current ORDA employee applying for or holding the positions and/or titles identified in Categories 1, 2, or 3.

Covered Position – shall mean any position and/or title identified in Categories 1, 2 and 3.

FCRA – shall mean the Fair Credit Reporting Act (15 U.S.C. § 1681), a U.S. Federal Government statute enacted to promote the accuracy, fairness, and privacy of consumer information contained in the files of the consumer reporting agencies.

Negative Information – shall mean a conviction for criminal conduct, a negative credit history, and/or a SafeSport disciplinary record, the nature of which has a direct bearing on a Candidate’s fitness or ability to perform one or more of the duties or responsibilities necessarily related to a Covered Position, or information about a Candidate that would involve an unreasonable risk to property or to the safety and welfare of ORDA employees and volunteers or to the general public.

ORDA – shall mean the Olympic Regional Development Authority or authorized representative of the Olympic Regional Development Authority.

Report – shall mean the results of a background check provided to ORDA by a TPA.

SafeSport – shall mean the SafeSport Authorization Act. The U.S. Congress has designated the U.S. Center for SafeSport (the “Center”) with the authority to respond to reports of sexual misconduct within the U.S. Olympic & Paralympic Movement by passing the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017. This legislation, also known as S.534, designates the Center to serve as the independent national safe sport organization, with the additional responsibility for the Center to develop national policies and procedures to prevent the emotional, physical, and sexual abuse of amateur athletes. Through this legislation, the Center has the exclusive authority to respond to allegations of sexual abuse and sexual misconduct within the U.S. Olympic & Paralympic Movement. It also allows the Center to have discretionary jurisdiction on a case-by-case basis over any other forms of misconduct, including bullying, harassment, and physical and emotional abuse. As a USOPC Training Center, ORDA is not under the jurisdiction of the Center, but ORDA is committed to the purpose and intent of SafeSport and consistent with its agreement with the USOPC, ORDA will implement the requirements of SafeSport to the extent that such requirements do not conflict with New York State law.

TPA – shall mean third party administrator.

USOPC – shall mean the United States Olympic and Paralympic Committee.

III. APPLICABILITY

ORDA has identified the following Covered Positions as being subject to background checks in accordance with the requirements of this Policy:

Category 1 – Category 1 Covered Positions are those positions held or to be held by a Candidate for an Executive level position with fiduciary responsibilities. For the purposes of this Policy, the following MC titles shall be included in Category 1:

Assistant Director	Assistant Venue Manager
Attorney	Finance Administrator
Director	General Counsel
Venue Manager	President & Vice President

Any Candidate for a Category 1 Covered Position will be subject to a full background check as defined herein under Section 5.3 (a), as well as a Credit History Check, as defined herein under Section 5.3 (c), prior to either initial appointment or promotion into the Covered Position. Category 1 Candidates will be subject to ongoing background checks if their job responsibilities also include the responsibilities identified in Categories 2 or 3 below.

Category 2 – Category 2 Covered Positions are those positions in which the job responsibilities involve or will involve a Candidate working in snow sports/ski school at any ORDA venue. This includes any position coded to “SSC” (also known as ski school). The following titles are included in Category 2: Laborer, Ski Instructor, Labor Supervisor, Department Supervisor, Department Manager, and Program Manager.

Any Candidate for a Category 2 Covered Position will be subject to a full background check as defined herein under Section 5.3 (a), prior to initial appointment and on a reoccurring basis every three (3) years thereafter.

Category 3 – Category 3 Covered Positions are those through which a Candidate: (1) may act in a position of authority over an Athlete, as the term “position of authority” is defined in the current ORDA-USOPC agreement; (2) has regular contact with an Athlete as the term “regular contact” is defined in the current ORDA-USOPC agreement; (3) has direct contact with an Athlete in non-public spaces as that term is defined in the current ORDA-USOPC agreement; or (4) has access to Athletes in non-public spaces, as that term is defined in the current ORDA-USOPC agreement. This may include, but is not necessarily limited to, the following titles: all staff that are coded to “SPT,” also known as ski patrol; all staff that are coded to “MED,” also known as Medical; all staff that are coded to “EVT,” also known as Events, and all other staff and/or volunteers that serve in a position of authority over Athletes or who have regular contact with Athletes as described herein, which may include staff holding the following titles: Venue Manager, Vice President,

Assistant Venue Manager, Program Coordinator, Operations Supervisor, Director, Facilities Superintendent, Department Supervisor, Labor Supervisor, Ice Resurfacing Machine Operator, and Maintenance Assistant.

Any Candidate for a Category 3 Covered Position will be subject to full background checks as defined herein under Section 5.3 (a), both prior to initial appointment and on a bi-annual basis thereafter, and will be subject to supplemental background checks as defined herein under Section 5.3 (b), on an annual basis.

IV. RESPONSIBILITY

The responsibility for implementation and oversight of this Policy resides with the ORDA Office of Human Resources, unless otherwise noted herein.

V. POLICY IMPLEMENTATION

5.1 Process for Pre-Employment Background Checks

- a. A pre-employment background check will be conducted on every Candidate who has accepted a formal offer of employment or promotion into a Covered Position. A Candidate must accurately and truthfully complete all sections of the employment application including the provision of education, current employment, and prior employment history within the last seven (7) years, and criminal history if applicable. In addition to those Candidates for a Category 1 Covered Position, a Credit History Check will be conducted for any position that involves the management of ORDA's funds or financial accounts, and/or the handling of cash and/or credit cards.
- b. All job postings for a Covered Position shall include the following language:

All offers of employment for this position will be contingent upon the results of a successfully completed background check. Background checks will be conducted by a Third Party Administrator of ORDA's choosing in compliance with the requirements of the New York State Fair Credit Reporting Act (N.Y. GEN. BUS. LAW § 380) and the Federal Fair Credit Reporting Act (15 U.S.C. § 1681).

- c. All offers of employment and/or promotions into a Covered Position shall include the following statement:

This offer of employment is contingent upon the satisfactory completion of a background check. Should your background check reveal information that could result in a decision by ORDA to withdraw an offer of employment, you will be provided with a Pre-Adverse Action Notice that includes the contact information of the Third Party Administrator, a copy of the background report and a "Summary of Your Rights Under the Fair Credit Reporting Act". You will have ten (10) business days from the date of your receipt of the Pre-Adverse Action Notice to dispute the information contained in the background report

by contacting the Third Party Administrator and providing correct information regarding your criminal history, credit history, and/or SafeSport disciplinary record. Extensions may be provided to you at the sole discretion of ORDA. Should you fail to provide a response within ten (10) business days from the date of receipt of the Pre-Adverse Action Notice, or to contact ORDA within that time frame with a request for an extension of time to respond, ORDA shall inform you that your name has been withdrawn from consideration for employment. Any such action is within ORDA's sole discretion and you shall have no right to appeal or challenge such action by ORDA.

- d. All background checks will be conducted by a qualified TPA in compliance with the terms of this Policy and all applicable Federal and State statutes.
- e. Prior to conducting a background check, a Candidate will be provided with an Authorization & Disclosure Form informing the Candidate that ORDA will be requesting a Report from the TPA, the name and contacting information of the TPA, the types of information that will be provided in the Report, and the Candidate's rights to request additional information regarding the nature and scope of the Report. The authorization consists of a statement, signed by the Candidate, permitting the TPA to provide the Report to ORDA. The Authorization & Disclosure Form must be a stand-alone document that cannot be part of an employment application or any other pre-employment document.
- f. After a Candidate has consented to and signed the Authorization & Disclosure Form, the Office of Human Resources will securely submit the full name and email address of the Candidate to the TPA. The Candidate will automatically receive a secure link from the TPA with instructions for entering the information required for the TPA to initiate and conduct a background check. A Candidate must fully and accurately provide all information necessary for the TPA to complete the background check. A Candidate for a new Covered Position or promotion into a Covered Position shall not begin work in that position prior to the satisfactory completion of the required background check, and the receipt of final approval from the Office of Human Resources. If a Candidate refuses to authorize a background check, or the TPA is unable to obtain written authorization within seven (7) business days of the date of a written request for authorization, the Candidate shall be deemed to have withdrawn his/her name from consideration.
- e. Any adverse action will be evaluated in accordance with Section 5.5 herein.

5.2 Process for Ongoing Background Checks

- a. For those Candidates who hold a Covered Position that is subject to ongoing and/or supplemental background checks at the time when such background check is due, the Office of Human Resources will provide written notification to the Candidate and to the ORDA Department Head and/or Venue Management, as applicable. It will be the

responsibility of both the Candidate and the Department Head or Venue Management, as applicable, to assure that the Candidate completes and submits the Authorization & Consent Form in a timely manner. If a Candidate refuses to authorize a background check, or the TPA is unable to obtain written authorization within seven (7) business days of the date of a written request for authorization, the Candidate shall be deemed to have withdrawn his/her name from consideration and action will be taken to remove the Candidate from the Covered Position, whether by termination or by changing their job responsibilities.

- b. Any adverse action will be evaluated in accordance with Section 5.5 herein.

5.3 Background Check Components:

- a. **Full Background Checks.**

A full background check will be conducted for any Candidate for a Category 1, 2 or 3 Covered Position. A full background check will include at least the following search components:

1. Social Security Trace and Address History – confirms address history and social security number (“SSN”) provided by a Candidate and is used to identify the jurisdictions in which the searches set forth in this Policy will be conducted.
2. Criminal:
 - i. **Federal** – Felony and misdemeanor searches for criminal convictions and pending prosecutions, through the respective federal courts in those jurisdictions reported in the SSN trace, for the previous seven (7) to ten (10) years.
 - ii. **County** – Felony and misdemeanor searches for criminal convictions and pending prosecutions through the respective county courts where a Candidate has lived, worked, or was educated, in the past seven (7) years.
 - iii. **Nation Wide** – Search of multi-jurisdictional database compiled from state and county criminal record databases. Sources include court records, incarceration records, prison/inmate records, probation/parole/release information, arrest data, sex offender registries, and wants and warrants.

- b. **Supplemental Background Checks.** A supplemental off-year background check will be conducted for any Candidate who works in a title that is identified in this Policy as a Category 3 Covered Position. Supplemental background checks will be conducted using at least the following search components:

1. Nation Wide – Search of multi-jurisdictional database compiled from state and county criminal record databases. Sources include court records, incarceration records, prison/inmate records, probation/parole/release information, arrest data, sex offender registries, and wants and warrants.
 2. SafeSport Disciplinary Records – any Negative Information received from a search of SafeSport disciplinary records will be treated in a manner that is consistent with New York Law, including Article 23-a, together with the terms and conditions of this Policy.
- c. **Credit History Checks.** Credit history checks provide a snapshot of financial history, including information regarding delinquent accounts, accounts sent to collection, maximum credit limits available, court judgments, bankruptcies, and liens. This check will be conducted on Candidates for Covered Positions that have the fiduciary responsibilities set forth in this Policy.

5.4 Authorized Third Party Administrator

ORDA, in its sole discretion, will select a USOPC authorized TPA that will be a full-service screening organization that works in accordance with the recommended guidelines established by the USOPC, the terms and conditions of this Policy, and all applicable State and Federal laws.

5.5 Adverse Action

In accordance with Section 603 of the FCRA, the term “adverse action” includes all employment actions affecting a Candidate that can be considered to have a “negative impact” as that term is defined under Section 603 (k) of the FCRA. For the purposes of this Policy, a negative impact will mean the withdrawal of an offer of employment, the denial of a promotion, or a determination to terminate employment or to change an ORDA employee’s job position or responsibilities, as the result of a background check that yields Negative Information.

For any adverse action that is taken based at least in part on information contained in a Report, in accordance with Section 615 (a) of the FCRA, the Candidate will be notified by the Office of Human Resources in writing. Any such notification will be provided utilizing the process set forth below:

a. Evaluation of Background Check Results

1. In accordance with Article 23-a, ORDA will not deny or terminate employment on the basis of prior criminal convictions, except under the following circumstances:
 - i. A direct relationship between some or all of the previous criminal offenses and the specific job or position the Candidate is seeking or holds;
 - ii. When hiring or continuing to employ the individual would present an unreasonable risk to ORDA’s property, specific individuals, or the general public.

2. Where an adverse action is contemplated due to the disclosure of a criminal conviction, negative credit report, and/or SafeSport disciplinary record, ORDA will consider:
 - i. That the public policy of this State, as expressed in Article 23-a, is to encourage the licensure and employment of persons previously convicted of one or more criminal offenses;
 - ii. The specific duties and responsibilities necessarily related to the license or employment sought or held by the person; The bearing, if any, that the criminal offense or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties or responsibilities; The time which has elapsed since the occurrence of the criminal offense or offenses; The age of the person at the time of occurrence of the criminal offense or offenses; The seriousness of the offense or offenses; Any information produced by the person, or produced on his or her behalf, in regard to his or her rehabilitation and good conduct; ORDA's legitimate interest in protecting property, and the safety and welfare of specific individuals, ORDA's employees and volunteers, or the general public.
3. Should the Office of Human Resources determine that the information contained in a Report reflects that hiring or promoting the Candidate could negatively impact ORDA's interests, the Office of Human Resources will promptly notify Venue Management for the Covered Position and ORDA's Office of General Counsel, whereby a determination will be made as to whether an adverse action is warranted.
4. Should the background check yield a Report that contains no Negative Information, the Candidate will be so notified in writing by the Office of Human Resources.

b. Pre-Adverse Action Notice

1. If an adverse action is contemplated, the Office of Human Resources will issue by certified mail, return receipt requested, a written Pre-Adverse Action Notice (attached as Exhibit A) to the Candidate along with: (1) a copy of the Report; (2) contact information for the TPA including name, address, and telephone number; and (3) the "Summary of Rights under the Fair Credit Reporting Act" (attached as Exhibit B).
2. The Candidate will be given ten (10) business days from the date of receipt of the Pre-Adverse Action Notice to dispute information contained in the Report that led to the negative determination by contacting the TPA and providing correct information regarding their criminal history, credit history, and/or SafeSport disciplinary record, including evidence that they did not commit the offense (e.g., in the case of misidentification), evidence of rehabilitation or character, the length of time since the last criminal conviction, other factors relevant to the negative determination, and other extenuating circumstances, including but not limited to

disparate legal and enforcement practices. Extensions may be provided to the Candidate at the sole discretion of ORDA. Should a Candidate fail to either provide a response within ten (10) business days of the date of receipt of the Pre-Adverse Action Notice, or to request an extension of time to respond, ORDA shall inform the Candidate that his/her name has been withdrawn from consideration and/or take action to remove the Candidate from the Covered Position, whether by termination or by changing their job responsibilities. Any such action is within ORDA's sole discretion and the Candidate shall have no right to appeal or challenge such action by ORDA.

3. Upon receipt of any corrected Report, the Office of Human Resources, ORDA's Office of General Counsel, and Venue Management will discuss the information contained in the Report and make a determination in accordance with Article 23-a and other applicable laws, including FCRA and SafeSport. Said determination will be made within five (5) business days from the date the Office of Human Resources received the corrected Report from the TPA. Any such action is within ORDA's sole discretion and the Candidate shall have no right to appeal or challenge such action by ORDA.
4. Should the background check yield a Report that contains no Negative Information, the Candidate will be so notified in writing by the Office of Human Resources.

c. Adverse Action Notice

If ORDA determines to take adverse action based in whole or in part on information contained in the Report, the Office of Human Resources will issue by certified mail, return receipt requested, a written Adverse Action Notice to the Candidate that includes: (1) a description of the adverse action being taken (e.g., rejection of the application) and that the action has been taken based in whole or in part on information contained in the Report; (2) a statement that the TPA did not make the decision to take adverse action and is unable to provide the reason for such decision; and (3) the rights of the Candidate to obtain a free copy of the Report from the TPA and to dispute information contained in the Report with the TPA. Any such action is within ORDA's sole discretion and the Candidate shall have no right to appeal or challenge such action by ORDA.

5.6 Protection of Personal Information

In accordance with the requirements of Public Officers Law § 87 (2), Public Officers Law §§ 91-99, and the FCRA, all information collected through the background check process will be used solely for employment considerations and will be kept strictly confidential and protected against unauthorized access, use, and disclosure.

5.7 Record-Keeping

- a. The Report will be maintained by the Office of Human Resources and kept for a period of four (4) years from the date the Report was completed.

- b. At the expiration of the four (4) years, the Report will be deleted from the Office of Human Resources database/information system and all paper copies, if any, will be destroyed.

VI. VIOLATIONS

Violations of this Policy by Candidate, including the provision of false or fraudulent information, will result in disciplinary action up to and including termination. Any violation may also be subject to prosecution under applicable federal, state or local law.

VII. POLICY REVIEW

This Policy will be reviewed and updated on an annual basis.

Exhibit A

Date

Applicant Name
Address
City, State Zip Code

Dear [Name]:

A decision is currently pending concerning your application for employment with ORDA. Enclosed is a copy of the consumer report(s) that you authorized [TPA Name] to obtain in regard to your application for employment, together with “A Summary of Your Rights Under the Fair Credit Reporting Act.”

The contents of the report are currently under review in consideration of your employment. If the report contains any information that is inaccurate or incomplete, you must contact our office within ten (10) business days of the date of this letter so that the corrected information can be reviewed prior to an employment decision being made.

In accordance with the Fair Credit Reporting Act, you have the right to dispute the accuracy or completeness of the information contained in your report by contacting the consumer reporting agency from which we obtained the report, the name, address, and contact information of which is:

[TPA Name, Address and Contact Info]

Thank you for your interest in employment with ORDA.

Sincerely,

Office of Human Resources

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Exhibit B

Para información en español, visite www.consumerfinance.gov/learnmore o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under FCRA. **For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.**

- You must be told if information in your file has been used against you. Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- You have the right to know what is in your file. You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - o a person has taken adverse action against you because of information in your credit report;
 - o you are the victim of identity theft and place a fraud alert in your file;
 - o your file contains inaccurate information as a result of fraud;
 - o you are on public assistance;
 - o you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.consumerfinance.gov/learnmore for additional information.

- You have the right to ask for a credit score. Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- You have the right to dispute incomplete or inaccurate information. If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.consumerfinance.gov/learnmore for an explanation of dispute procedures.

- Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information. Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- Consumer reporting agencies may not report outdated negative information. In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- Access to your file is limited. A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- You must give your consent for reports to be provided to employers. A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.consumerfinance.gov/learnmore.
- You may limit “prescreened” offers of credit and insurance you get based on information in your credit report. Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- The following FCRA right applies with respect to nationwide consumer reporting agencies:

CONSUMERS HAVE THE RIGHT TO OBTAIN A SECURITY FREEZE

- Σ You have a right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.
- Σ As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer’s credit file. Upon seeing a fraud alert display on a consumer’s credit file, a business is required to take steps to verify the consumer’s identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.
- Σ A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that

requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

- You may seek damages from violators. If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- Identity theft victims and active duty military personnel have additional rights. For more information, visit www.consumerfinance.gov/learnmore .

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:

Type of Business:	Contact:
<p>1. a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates</p> <p>b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:</p>	<p>a. Consumer Financial Protection Bureau 1700 G Street, N.W. Washington, DC 20552</p> <p>b. Federal Trade Commission: Consumer Response Center – FCRA 600 Pennsylvania Avenue, NW Washington, DC 20580 (877) 382-4357</p>
<p>2. To the extent not included in item 1 above:</p> <p>a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks</p> <p>b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act</p> <p>c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations</p> <p>d. Federal Credit Unions</p>	<p>a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050</p> <p>b. Federal Reserve Consumer Help Center P.O. Box. 1200 Minneapolis, MN 55480</p> <p>c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106</p> <p>d. National Credit Union Administration Office of Consumer Protection (OCP) Division of Consumer Compliance and Outreach (DCCO) 1775 Duke Street Alexandria, VA 22314</p>
<p>3. Air carriers</p>	<p>Asst. General Counsel for Aviation Enforcement & Proceedings, Aviation Consumer Protection Division, Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590</p>
<p>4. Creditors Subject to the Surface Transportation Board</p>	<p>Office of Proceedings, Surface Transportation Board, Department of Transportation 395 E Street, S.W. Washington, DC 20423</p>
<p>5. Creditors Subject to the Packers and Stockyards Act, 1921</p>	<p>Nearest Packers and Stockyards Administration area supervisor</p>
<p>6. Small Business Investment Companies</p>	<p>Associate Deputy Administrator for Capital Access, United States Small Business Administration 409 Third Street, S.W., 8th Floor Washington, DC 20416</p>
<p>7. Brokers and Dealers</p>	<p>Securities and Exchange Commission 100 F Street, N.E. Washington, DC 20549</p>
<p>8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations</p>	<p>Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090</p>
<p>9. Retailers, Finance Companies, and All Other Creditors Not Listed Above</p>	<p>FTC Regional Office for region in which the creditor operates or Federal Trade Commission: Consumer Response Center – FCRA 600 Pennsylvania Avenue, NW Washington, DC 20580 (877) 382-4357</p>

NOTICE SPECIFIC TO NEW YORK: You have the right, upon request, to be informed of whether or not a consumer report was requested. If a consumer report was requested, you will be provided with the name and address of the consumer reporting agency furnishing the report. You may inspect and receive a copy of the report by contacting that agency. For a summary of your rights under New York State law, see N.Y. Correct. Law §§ 750–55.



NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

Resolution # 407

RESOLUTION APPROVING AND ADOPTING AN OPEN DATA POLICY PURSUANT TO EXECUTIVE ORDER 95

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on January 22, 2021, the Chair offered the following resolution:

WHEREAS, pursuant to Public Authorities Law § 2824, the Board of Directors is charged with establishing written policies and procedures governing the conduct of ORDA and ORDA personnel; and

WHEREAS, ORDA is committed to the principles of open, accessible, efficient, and transparent government, and the use of technology to help put those principles into practice.; and

WHEREAS, consistent with Executive Order 95, it is ORDA's intent to implement and adopt a written policy and procedure for making ORDA's "data", as that term is defined in the policy, available to the public on the Open Data Website to promote civic engagement, improve service delivery, allow for more effective communication with the public, and increase opportunities for economic development; and

WHEREAS, this policy is intended to make the operation of ORDA more transparent, effective, and accountable to the public; and

WHEREAS, ORDA will not make publicly available data that would violate statute or regulation (e.g., disclosure that would constitute an unwarranted invasion of personal privacy), endanger the public health, safety or welfare, hinder the operation of government, including criminal and civil investigations, or impose an undue financial, operational, or administrative burden on ORDA or the State; and

WHEREAS, ORDA will not make publicly available data that is exempt from disclosure pursuant to the New York State Freedom of Information Law, or any other law or regulation; and

WHEREAS, ORDA's President and CEO will designate a Data Coordinator who will have authority equivalent to an ORDA department head, have knowledge of data and resources in use by ORDA, and be responsible for ORDA's compliance with the Executive Order, this policy, and future directives which may be needed to support the open data program; and

WHEREAS, prior to ORDA’s data being published on the Open Data Website, the Data Coordinator will be responsible for obtaining the required approvals from ORDA’s “Data Owners”, as that term is defined in the policy, ORDA’s legal department, and ORDA’s President and CEO; and

WHEREAS, based on the foregoing, it is found and determined that it is both necessary and desirable to implement and adopt an Open Data Policy which is compliant with Executive Order 95 and applicable State and Federal laws and regulations; and

WHEREAS, annexed hereto and made a part hereof as if fully restated herein, is ORDA’s proposed Open Data Policy;

THEREFORE, BE IT RESOLVED, that after careful consideration and due deliberation, the Board of Directors hereby approves and adopts the attached Open Data Policy, effective immediately, that will be posted on the ORDA website and implemented across all ORDA venues.

MOVED BY: _____

SECONDED BY: _____

and

ADOPTED BY the following vote:

Excused/Abstained:

Against:

Emily Stanton, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 407 was duly passed by the Board of Directors on January 22, 2021.

Signature _____

Title: Secretary to the Board of Directors

Sworn before me this ____ day of January 2021

Notary Public, State of New York



OPEN DATA POLICY

1. Background

On March 11, 2013, Governor Andrew Cuomo launched the Open NY initiative which included the launch of New York State's Open Data Website, data.ny.gov.

Concurrent with the launch of Open NY, Governor Cuomo issued Executive Order No. 95, "Using Technology to Promote Transparency, Improve Government Performance and Enhance Citizen Engagement." This Executive Order directed covered state entities to identify and catalogue their data, and make publishable State data available on the new transparency website.

2. Purpose of Policy

The New York State Olympic Regional Development Authority ("ORDA") is committed to the principles of open, accessible, efficient, and transparent government, and the use of technology to help put those principles into practice.

This policy creates a process for making ORDA data available to the public on the Open Data Website. ORDA will make its "data", as that term is defined herein, publicly available online to promote civic engagement, improve service delivery, allow for more effective communication with the public, and increase opportunities for economic development. This policy is also intended to make the operation of ORDA more transparent, effective, and accountable to the public.

3. Definitions

Covered State Entity

- (i) any State agency or department, or any office, division, bureau, or board of such State agency or department, except where the head of such agency or department is not appointed by the Governor,
- (ii) any State board, committee, or commission, at least one of whose members is appointed by the Governor, and
- (iii) all public-benefit corporations, public authorities and commissions, for which the Governor appoints the Chair, the Chief Executive, or the majority of Board Members, except for the Port Authority of New York and New Jersey.

Chief Data Officer (CDO) The New York State Chief Data Officer in the Office of Information Technology Services or a designee thereof.

Data Final versions of statistical or factual information that:

- (i) are in alphanumeric form reflected in a list, table, graph, chart or other nonnarrative form, that can be digitally transmitted or processed;
- (ii) are regularly created or maintained by or on behalf of a covered State entity and are controlled by such entity; and
- (iii) record a measurement, transaction or determination related to the mission of the covered State entity.

The term “data” shall not include image files, such as designs, drawings, photos or scanned copies of original documents; provided, however, that the term “data” shall include statistical or factual information about image files and geographic information system data.

Dataset A named collection of related records maintained on a storage device, with the collection containing data organized or formatted in a specific or prescribed way, often in tabular form.

ITS The New York State Office of Information Technology Services.

Publishable State Data Data that is collected by a covered State entity where the entity is permitted, required, or able to make the data available to the public, consistent with any and all applicable laws, rules, regulations, ordinances, resolutions, policies or other restrictions, requirements or rights associated with the State data, including but not limited to contractual or other legal orders, restrictions or requirements. Data shall not be Publishable State data if making such data available on the Open Data Website would violate statute or regulation (e.g., disclosure that would constitute an unwarranted invasion of personal privacy), endanger the public health, safety or welfare, hinder the operation of government, including criminal and civil investigations, or impose an undue financial, operational or administrative burden on the covered State entity or the State.

Protected Data Any data set, or portion thereof, exempt from disclosure pursuant to the New York State Freedom of Information Law (“FOIL”), or any other law or regulation.

4. Data Coordinator

ORDA's President and CEO will designate a Data Coordinator. The Data Coordinator will:

- have authority equivalent to the head of a division or department within ORDA;
- have knowledge of data and resources in use by ORDA; and
- be responsible for ORDA's compliance with the Executive Order, this policy, and future directives which may be needed to support the open data program.

The Data Coordinator will serve as the liaison between the ITS Open Data Website team and ORDA. In that position, the Data Coordinator will convey to ORDA's Data Owners, as identified herein, in-house counsel, and President/CEO any specific needs of the ITS team who maintain the Open Data Website, to enable them to format or define such data in an optimal manner for publication (such as formatting the data or defining a structure that is optimal for publication). These efforts provide an additional internal control to ensure the dataset is properly evaluated before being provided to the Open Data platform.

5. Publication of Data

Within thirty (30) days of the effective date of this policy, ORDA will create a catalogue of its Publishable State Data and propose a schedule to ITS and the CDO for making its Publishable State Data publicly available. Such schedules will be made publicly available and will further include a schedule for updating the data catalogue as appropriate. ORDA will prioritize data publication in accordance with guidelines as set forth herein.

6. Prioritization, Publication, Alteration, and Removal Process

ORDA shall engage in an internal review process established by the Data Coordinator in accordance with this policy, and shall obtain appropriate internal approvals for the datasets from the President & CEO, as recommended by the Data Owners responsible for the relevant datasets, which it wishes to commit to the Open Data Website. The internal review process will include a means by which to assure increasing data content quality and accuracy, and compliance with all security, privacy, confidentiality laws, rules, and regulations, as well as any Intellectual Property Rights requirements, and status under FOIL (including whether data may lawfully be withheld under the FOIL exemptions).

Prioritization:

In creating a data catalogue, ORDA's Data Coordinator will identify those datasets that are high value, high quality, complete, and in accordance with the definition of "Publishable State Data".

“High value” data, as defined within Executive Order 95, is that which can be used to increase ORDA’s accountability and responsiveness, improve public knowledge of ORDA and its operations, further the mission of ORDA, create economic opportunity, or respond to a need or demand identified after public consultation.

When creating a schedule for publication of datasets, a number of factors must be assessed. Prioritizing initial and ongoing publication will entail balancing high value with data quality, data availability, and data readiness.

The amount of time to prepare high quality data can vary significantly, as datasets vary in complexity. Therefore, in prioritizing data for release, ORDA’s Data Coordinator must account for sufficient time to: identify data, assess the data (i.e., ensure consistency, timeliness, relevance, completeness, and accuracy of the data), ensure completeness of the metadata and data dictionary, review and obtain all necessary approvals to publish the data, and prepare data, metadata and requisite accompanying documentation for publication.

Publication:

To publish a dataset, at a minimum, the Data Coordinator will obtain explicit approval from the individuals listed below, which will be memorialized on an ITS Standardized Approval Form, a copy of which is attached as Exhibit B, to be completed and signed prior to dataset publication. The Data Coordinator may determine whether additional internal approvals and signatures are required and shall include such additional persons in its review and approval for publication process.

The Data Coordinator is responsible for obtaining the following approvals:

- Data Owner: ORDA Department Heads and Directors will be the designated Data Owners.

The Data Owners will have the greatest familiarity with and knowledge of the dataset and the data it contains, and the purpose for the collection of the data. The Data Owners will know the accuracy and currency of the data and be best able to describe and fill in the metadata elements describing the data. Approval by the Data Owners also validates that ORDA has secured permission for publication and knowledge from the department which is most responsible for the specific data. Each Data Owner may identify individuals within their respective departments and/or units to assist them in the collection of data.

- Legal Department: ORDA’s in-house legal counsel will confirm that ORDA has sufficiently reviewed the dataset to ensure its publication complies with privacy and security requirements, intellectual property rights, FOIL responsibilities, this policy, and any other applicable laws, rules and regulations.

- **President/CEO:** Approval by ORDA's President/CEO demonstrates knowledge within ORDA's leadership that it is providing a dataset to data.ny.gov under full authority. It also serves as the ultimate internal control within ORDA to ensure personnel completed proper evaluations of the datasets.

Removal:

To remove a dataset, at a minimum, the Data Coordinator must receive explicit approval from the Data Owners identified hereinabove, ORDA's in-house counsel, and ORDA's President/CEO, which will be memorialized on an ITS Standardized Removal Form, a copy of which is attached as Exhibit C, to be completed and signed prior to dataset removal. The Data Coordinator may determine additional internal approvals and signatures are required and should include such additional persons in their review and approval process.

Alteration:

To alter a dataset, at a minimum, the Data Coordinator will obtain approval from the Data Owners identified hereinabove, which will be memorialized on an ITS Standardized Alteration Form, a copy of which is attached as Exhibit D, to be completed and signed prior to publication of the altered dataset. The Data Coordinator may determine that additional internal approvals and signatures are required and should include such additional persons in their review and approval process.

7. Standardization

The Data Coordinator will ensure that the following requirements are met when publishing datasets to the Open Data Website:

- **Metadata** – The Open Data Website adheres to core components of the Dublin Core standard for metadata and uses the current recommended set of elements, which are required to accompany each dataset (Refer to Exhibit A: Metadata Elements for additional details).
- **Descriptive Information** – The Open Data Website requires covered state entities to submit metadata and supplemental documentation with each dataset (e.g., data dictionaries, overview documents, etc.) in order to fully describe and maximize public understanding and interpretation of the data.
- **Domain Categories** – The Open Data Website supports common domain models and allows the Data Coordinator to transform and anchor datasets in a particular domain (Refer to Exhibit A for examples of categories).
- **Catalogue Sharing** – The Open Data Website combines with several data catalogs and explores common, open formats such as Data Catalog Vocabulary (DCAT) or Project Open Data (see <https://resources.data.gov/schemas/dcat-us/v1.1/>)

- **Datasets** – ORDA must provide standardized open data file formats to facilitate automatic processing of the data, making it easily accessible and available in machine-readable format.
- **Open Specifications** – When possible, published datasets must be compatible with open specifications (e.g. KML/KMZ and GeoJSON).
- **Content Formats** – Datasets must be machine-readable and have a clear separation of metadata from the original source data.
- **Tabular Data** – The Open Data Website currently supports the format CSV & TSV: Comma/Tab Separated Values.
- **Geographic Data** – The Open Data Website supports two data formats for geospatial information. The appropriate format is dependent on the specific characteristic of the underlying geographic data.
 - i. Points: All Tabular File Formats or Shapefile
 - ii. Lines: Shapfile
 - iii. Polygons: Shapefile

Point data can be stored in either tabular or Shapefile format. Tabular formatting of points requires either columns for latitude and longitude, or complete address information (house number, street, village/town/city, state, and zip code) that can be geocoded. In contrast, lines and polygons define complex geometric structures that are not easily defined as column attributes. Therefore, Shapefile format is a preferred format for these complex geographic structures.

Each shapefile (at a minimum) should contain the following files:

- i. .shp: Defines the geometry (shapes)
- ii. .dbf: Defines the attribute table
- iii. .prj: Projection, ensures the feature locations are accurately rendered on the map
- iv. .shx: Shape indexing file, for efficient processing

Note: Shapefiles that use projections other than WGS-1984/Web Mercator will not be transformed by the platform and may result in inaccurate representations of location.

Other supported geospatial formats may include Keyhole Markup Language (KML/KMZ).

- **Geocoding** – The Open Data Website supports geocoding services that converts address information into mappable coordinates (Latitude/Longitude)

8. Updates to Published Data Sets

ORDA will create an update schedule to maintain data freshness on the Open Data Website. Individual data sets will be evaluated for staticity and schedules and value of data to be updated to the public. All data update schedules will be maintained in the metadata

uploaded to the Open Data Website with a minimum update schedule of annually and increased frequency, up to monthly, for more publicly valuable or volatile data sets.

- **Replace:** All existing records are removed, and new records are inserted.
- **Append:** New dataset records are inserted to existing records.

9. Protected Data

- **Security, Privacy, Regulatory, & Aggregate Data.**

The public release of some data might result in the violation of laws, rules, or regulations. Some data may not be appropriate to release because it can compromise internal ORDA processes, such as procurement. Other data may contain personally identifiable information. Finally, even if detailed data appears innocuous, it may be possible to easily combine it with other public information to reveal sensitive details. Even if there are no legal impediments to publishing the data, releasing the data may have unintended or undesirable effects. The Data Coordinator will confer with ORDA's legal counsel prior to any publication of data on the Open Data Website and exclude any datasets whose publication would cause harm by disclosing ORDA's internal processes, as such data does not constitute "Publishable State Data".

- **Thresholds**

The Health Insurance Portability and Accountability Act ("HIPAA") and its privacy regulations have very exacting requirements for determining whether data have been sufficiently de-identified so as not to compromise individual privacy. The Data Coordinator will confer with ORDA's legal counsel prior to the publication of data on the Open Data Website and exclude any datasets whose publication would cause harm as described in HIPAA's privacy regulations, as such data does not constitute "Publishable State Data".

- **FOIL Applicability**

Under the NYS Public Officers Law, Article 6 (the NYS Freedom of Information Law, or "FOIL"), the presumption is that government records shall be open to the public, unless excludable under a narrow set of specific exemptions including such concerns as invasion of personal privacy, impairment of contractual or collective bargaining negotiations, exposure of protected trade secrets, interference with law enforcement or judicial proceedings, endangering life or safety, jeopardizing the security of state information technology assets, systems and infrastructures, and others. The Data Coordinator will confer with ORDA's FOIL officers and/or legal counsel prior to the publication of data on the Open Data Website and exclude any datasets whose publication would cause the harms described in the FOIL law, as such data does not constitute "Publishable State Data."

10. Enforcement Standards and Compliance

ORDA's President and CEO, in accordance with the requirements set forth in Executive Order No. 95, shall have the authority to promulgate reasonable rules and regulations to implement the requirements of this policy.

EXHIBIT A: METADATA ELEMENTS

Metadata Element	Description	Dublin Core Value
Dataset Name / Title	The name of the dataset as it will appear on the platform.	Title
Dataset Description	Short description that explains the purpose of the Dataset and the data within.	Description
Category	The general category that the dataset is included in on the site (The categories include: Economic Development, Education, Energy & Environment, Government & Finance, Health, Human Services, Public Safety, Recreation, Transparency, and Transportation).	Type
Tags / Keywords	Keywords about the dataset used for searching purposes.	Subject
Data Provided By	The Agency that provided the data.	Contributor
URL to Dataset Program Web Page	The URL to the program area web pages.	n/a
Responsible Organization Within Agency	The organization that the dataset owner is a part of.	Creator
Time Period	The time frame of data available in the associated data file (e.g., Beginning 2005).	Coverage (temporal)
Create Date	The date the resource was made available in its present form – auto generated.	Date
Posting Frequency	How often the Dataset will be refreshed (valid values are: Current, Daily, Twice weekly, Weekly, Monthly, Quarterly, Semi-annually, Annually, Biennially, Decennially, As Needed, Static - Not Updated).	n/a
Contact e-mail information	The email address the viewers of the data can use to ask questions about the dataset. This must be provided as an email address; email forms are not acceptable. General mailboxes are recommended, as the agency will be responsible for maintaining a valid email address.	n/a
Coverage	The coverage area included in the dataset (e.g., Statewide).	Coverage (spatial)
Granularity	The lowest levels of granularity available within the data file (ex. County).	n/a
Define any limitations	Description of any limitations of the Dataset or exclusions.	Rights
URL(s) to additional resources (optional)	URLs to additional resources that may be useful to an end-user.	Relation

Metadata Element	Description	Dublin Core Value
Narrative Information Overview Document	One to two-page document that explains the dataset in greater detail, explains the data collection process, and any limitations in the data use.	n/a
Data Collection Tool/ Data Input	Explanation of the data collection methodology.	n/a
Data Dictionary and/ or Data file layout	Data dictionary should explain the fields within the dataset in terms of their definition, type, size, and any other pertinent information that describes the dataset.	n/a
Benefit of Utilizing Dataset (optional)	Additional supporting documentation can include a data collection/ input tool, a benefits document that describes what can be gained from analyzing the data.	n/a



OPEN NY – OPEN DATA APPROVAL FORM

The State of New York has created OPEN-NY, an open data portal at <http://www.data.ny.gov>. It brings datasets from local, state and federal government entities ("agencies") into one location searchable by the public.

While the site is administered by the New York State Office of Information Technology Services (ITS), the agencies submitting datasets to OPEN-NY are the authoritative sources for their content. These agencies are responsible for certifying that their content has been reviewed and approved for publication by appropriate agency personnel, including confirming compliance with all laws, rules, and regulations related to confidentiality, privacy, security, intellectual property rights, and the Freedom of Information Law (FOIL).

Agencies are also responsible for version control of their content and retaining record copies of the content in compliance with record retention requirements of the NYS Arts and Cultural Affairs Law.

1. Governmental Entity: Your governmental entity is:

(Name of specific State entity or specific Local Government)

Datasets prepared for publication on the OpenNY open data platform require one-time approval – and the completion of Attachment B - prior to publication to ensure they have been properly vetted. Your agency may require additional internal approvals.

For every dataset, agencies must receive explicit approval and sign-off from the individuals listed in Attachment B. Approval forms must be completed and signed prior to dataset publication. Agencies may determine additional internal approvals and signatures are required, and should include such additional persons in their review and sign off process

At a minimum, the four approval signatures in Attachment B are required for each dataset.

- Σ For simultaneous publication of multiple datasets, a single form may be used where the Data Owner and all other signatories are the same. (And, the names of each dataset must be individually identified).

For the refreshing of a dataset by an agency, agencies have an ongoing responsibility to ensure the new data won't raise any concerns such as security or privacy issues; that the data continues to be in compliance with all laws, rules, and regulations related to confidentiality, privacy, security, intellectual property rights, and the Freedom of Information Law (FOIL).

Please forward a copy of this document, including Attachment B, with each dataset submission

Attachment B

We approve the uploading and publication of the following datasets onto OPEN-NY, having checked that they meet our standards for quality, accuracy, and compliance with laws protecting security, privacy, or intellectual property, and we are retaining original record copies to the extent required by Articles 57 or 57-A of the NYS Arts and Cultural Affairs Law.

I. Lists of Datasets for Publication:

1. _____
2. _____
3. _____
4. _____
5. _____

II. Approved by:

1. Government entity's Data Owner of the above noted datasets (e.g. dep't head, bureau director, etc.):

Printed Name: _____ Title: _____

Signature: _____ Date: _____

2. Government entity's legal counsel (e.g. in-house or outside attorney):

Printed Name: _____ Title: _____

Signature: _____ Date: _____

3. Government entity's Point of Contact: (e.g, Data Coordinator)

Printed Name: _____ Title: _____

Signature: _____ Date: _____

4. Government entity's Chief Executive (or his/her designee):

Printed Name: _____ Title: _____

Signature: _____ Date: _____



OPEN NY – Approval for Dataset Automated Pull or Transform

Governor Cuomo, through Executive Order No. 95 ("EO-95"), created OPEN-NY, the State's open data portal that brings datasets from federal, local, and state government entities into one location searchable by the public (<http://www.data.ny.gov>). Under EO-95, the NYS Office of Information Technology Services (ITS) administers the site. ITS publishes an Open Data Handbook describing how agencies can structure conformant datasets.

Dataset Automated Pull: As the authoritative sources for their content, agencies submit datasets to OPEN-NY only after certifying that such "Publishable" data has been reviewed and approved for publication by appropriate agency personnel. This ongoing obligation, applicable to either initial manual uploads or to any updates of that data by the agency, includes confirming compliance with laws related to confidentiality, privacy, security, intellectual property rights, and the Freedom of Information Law (FOIL).

Agencies are also responsible for version control of their content, and for retaining record copies of the content in compliance with record retention requirements of the NYS Arts and Cultural Affairs Law.

By mutual agreement between the agency and ITS, OPEN-NY may use technical means, such as application programming interfaces (APIs), to automate dataset updates on behalf of the agency.

Dataset Transforms: "Transforms" are enhancements of the usability of the data beyond that which is required to be conformant with Open Data Handbook requirements. Agencies may request transforms at either the time of upload, or thereafter.

As transforms are bounded by platform capabilities, not all requested transforms may be possible. Agencies are encouraged to contact ITS (its.dl.open.solution.team@its.ny.gov) to discuss the desired dataset transformation. As with dataset uploads, agencies must receive explicit internal reviews and approvals prior to any transforms being designed or developed.

Prior to dataset publication, for every dataset initial upload or transform, agencies must complete and provide to ITS signed copies of either the attached Attachment C, or Attachment D, or both, indicating explicit approval and sign-off from the individuals listed in those attachments. Agencies are welcome to require additional internal approvals and signatures, and include such additional persons in their review and sign off process.

For simultaneous publication or transform of multiple datasets, a single form may be used where the agency's Data Owner and all other agency signatories are the same. (And, the names of each dataset must be individually identified).

Please forward a copy of this document, including either Attachment C, Attachment D, or both, with each dataset submission

OPEN NY – Approval for Dataset Automated Pull - Attachment C

Our governmental entity: _____ [*Enter name of specific State or Local Government*], confirming they meet our agency's standards for quality, accuracy, and compliance with EO-95 and laws protecting security, privacy, or intellectual property, and that we are retaining original record copies to the extent we are required to do so by Articles 57 or 57-A of the NYS Arts and Cultural Affairs Law, approves the automated pull and publication of the following datasets onto OPEN-NY:

I. Dataset Name and Identifier (4x4):

II. Approved by:

1. Government entity's Data Owner of the dataset (e.g. dep't head, bureau director, etc.):

Printed Name: _____ Title: _____

Signature: _____ Date: _____

2. Government entity's legal counsel (e.g. in-house or outside attorney):

Printed Name: _____ Title: _____

Signature: _____ Date: _____

3. Government entity's Point of Contact: (e.g, Data Coordinator)

Printed Name: _____ Title: _____

Signature: _____ Date: _____

4. Government entity's Chief Executive (or his/her designee):

Printed Name: _____ Title: _____

Signature: _____ Date: _____

OPEN NY – Approval for Dataset Transform - Attachment D

Our agency: _____ *[Enter name of specific State or Local Government entity]*, having previously approved the uploading and publication of the following dataset onto OPEN-NY; having checked that it meets our standards for quality, accuracy, and compliance with laws protecting security, privacy, or intellectual property; and retaining original record copies to the extent required by Articles 57 or 57-A of the NYS Arts and Cultural Affairs Law, approves the following transform/changes to the specified item(s):

I. OPEN-NY Dataset name and Identifier (4x4):

II. Change Type(s): *(List each transform separately, and if needed attach lookup tables, sample code, or other related documents as supplemental materials)* **Supplemental materials attached?** [] Yes [] No

[] **Automated Data Pull** *(The agency must report to OPEN-NY prior to any data source changes).*

Location of data source: _____

Supplied format: _____

Authentication credentials required? _____

If 'Yes', do credentials expire? _____

If 'Yes', renewal timeframe and contact information: _____

[] **Descriptions of Transform(s)**

1. Field Name: _____

Transform description: _____

Example: _____

Transform Error Handling: _____

2. Field Name: _____

Transform description: _____

Example: _____

Transform Error Handling: _____

3. Field Name: _____

Transform description: _____

Example: _____

Transform Error Handling: _____

4. Field Name: _____

Transform description: _____

Example: _____

Transform Error Handling: _____

5. Field Name: _____

Transform description: _____

Example: _____

Transform Error Handling: _____

6. Field Name: _____

Transform description: _____

Example: _____

Transform Error Handling: _____

7. Field Name: _____

Transform description: _____

Example: _____

Transform Error Handling: _____

_____ Mark here if more than 7 transforms are needed and attach additional sheet(s).

III. Approved by:

1. Government entity's Data Owner of the above noted datasets (e.g. dep't head, bureau director, etc.):

Printed Name: _____ Title: _____

Signature: _____ Date: _____

2. Government entity's Point of Contact: (e.g, Data Coordinator)

Printed Name: _____ Title: _____

Signature: _____ Date: _____