



**NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY**

**Resolution # 471**

**RESOLUTION APPROVING THE CHAIR'S APPOINTMENTS TO  
COMMITTEES OF THE ORDA BOARD OF DIRECTORS**

At a meeting of the Board of Directors of the Olympic Regional Development Authority ("ORDA") held on December 19, 2022, the Chair offered the following resolution:

**WHEREAS**, pursuant to both Public Authorities Law § 2824 (4) and ORDA By-Laws, Article II, Section 3, the ORDA Board is required to have an Audit Committee that consists of at least three members with the skills necessary to understand the duties and functions of the Committee, which among other things includes the responsibility for recommending to the Board the hiring of an independent auditor and overseeing the annual audit process; and

**WHEREAS**, pursuant to Public Authorities Law § 2824 (7), the ORDA Board is required to have a Governance Committee comprised of at least three members with the skills necessary to understand the duties and functions of the Committee, which among other things includes the responsibility of keeping the Board informed of current best governance practices and recommending updates to ORDA's corporate governance principles; and

**WHEREAS**, pursuant to the ORDA By-Laws, Article II, Section 4, the ORDA Board Chair is authorized to establish other committees and select their members; and

**WHEREAS**, pursuant to ORDA By-Laws, Article II, Sections 1 and 4, the Chair is to appoint the chairperson and members of the Board Committees, subject to approval by the Board; and

**WHEREAS**, as a result of a change to an ex-officio designee to the ORDA Board, the Audit Committee is without a Chair; and

**WHEREAS**, the Chair would like to make certain additional appointments to the membership of the Audit and Governance Committees; and

**WHEREAS**, the current membership of the Board's Committees is as follows:

Executive Committee:

- Joe Martens – Chair
- Cliff Donaldson
- Betty Little
- Art Lussi

Audit Committee:

- Bill Beaney
- Frank Cardinale

- Cliff Donaldson
- Elinor Tatum

Governance Committee:

- Chris Pushkarsh – Chair
- Steve Hunt
- Art Lussi
- Diane Munro

**WHEREAS**, the Chair has made the following additional appointments to the following Board Committees:

Audit Committee:

- Cliff Donaldson – Chair
- Joe Martens
- Joe Zalewski

Governance Committee:

- Joe Martens

**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby approves the Chair's appointments to the named Committees as set forth herein, in accordance with the applicable provisions of the Public Authorities Law and the ORDA By-Laws.

**SO RESOLVED,**

MOVED BY: Betty Little

SECONDED BY: Diane Munro

and

ADOPTED BY the following vote:

| In Favor:       | Excused/Abstained: | Against: |
|-----------------|--------------------|----------|
| Joe Martens     |                    |          |
| Cliff Donaldson |                    |          |
| Steve Hunt      |                    |          |
| Betty Little    |                    |          |
| Art Lussi       |                    |          |
| Diane Munro     |                    |          |
| Chris Pushkarsh |                    |          |
| Jeff Stefanko   |                    |          |
| Elinor Tatum    |                    |          |
|                 |                    |          |
|                 |                    |          |
|                 |                    |          |

Renee Fitzgerald, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 471 was duly passed by the Board of Directors on December 19, 2022.

Signature 

Title: Secretary to the Board of Directors

Sworn before me this 20<sup>th</sup> day of December, 2022.



Notary Public, State of New York

EDWARD KOWALEWSKI, JR.  
Notary Public, State of New York  
No. 02KO4982911  
Qualified in Saratoga County  
Commission Expires June 10, 2023



**NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY**

**Resolution # 472**

**RESOLUTION APPROVING UPDATE TO ORDA MISSION STATEMENT**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (“ORDA”) held on December 19, 2022, the Chair offered the following resolution:

**WHEREAS**, ORDA is a public authority created by the laws of New York State and, as such, is subject to Public Authorities Law; and

**WHEREAS**, pursuant to Public Authorities Law § 2824-a, ORDA is required to adopt a brief mission statement expressing the purpose and goals of ORDA; and

**WHEREAS**, by Resolution #259 duly passed by the ORDA Board of Directors on September 28, 2011, the Board of Directors approved ORDA’s Mission Statement in accordance with the Public Authorities Law; and

**WHEREAS**, ORDA has found and determined that it is both necessary and desirable to amend and update its existing Mission Statement; and

**WHEREAS**, at a duly called meeting of the Governance Committee held on December 2, 2022, the Governance Committee, whose responsibility it is to develop and recommend to the Board of Directors any policies or other documents relating to effective ORDA governance, and regularly review and update such policies or documents, thoroughly reviewed and considered the proposed revised Mission Statement and based thereon, recommended approval by the Board of Directors;

**NOW, THEREFORE, BE IT RESOLVED** that after careful consideration and due deliberation, the ORDA Board of Directors hereby approves and adopts the following as ORDA’s Mission Statement, effective immediately, which will be posted and maintained on the ORDA website for access by the public, and a copy of which will be filed with the Authorities Budget Office in accordance with Public Authorities Law:

“To create economic and social benefit in the Adirondacks and Catskills by operating year-round venues that provide recreational and athletic development opportunities, achieved through a commitment to continuous improvement and emphasis on environmental stewardship, fiscal responsibility, and the delivery of world-class programs and experiences to persons of all ages and abilities.”

**SO RESOLVED,**

MOVED BY: Cliff Donaldson

SECONDED BY: Steve Hunt

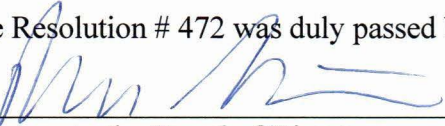
and

ADOPTED BY the following vote:

| In Favor:       | Excused/Abstained: | Against:     |
|-----------------|--------------------|--------------|
| Joe Martens     |                    | Elinor Tatum |
| Cliff Donaldson |                    |              |
| Steve Hunt      |                    |              |
| Betty Little    |                    |              |
| Art Lussi       |                    |              |
| Diane Munro     |                    |              |
| Chris Pushkarsh |                    |              |
| Jeff Stefanko   |                    |              |
|                 |                    |              |
|                 |                    |              |
|                 |                    |              |
|                 |                    |              |
|                 |                    |              |

Renee Fitzgerald, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 472 was duly passed by the Board of Directors on December 19, 2022.

Signature   
Title: Secretary to the Board of Directors

Sworn before me this 20<sup>th</sup> day of December, 2022.

  
Notary Public, State of New York

EDWARD KOWALEWSKI, JR.  
Notary Public, State of New York  
No. 02KO4982911  
Qualified in Saratoga County  
Commission Expires June 10, 2023



## NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

### Resolution # 473

#### **RESOLUTION ADOPTING CERTAIN POLICIES AND PROCEDURES**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (“ORDA”) held on December 19, 2022, the Chair offered the following resolution:

**WHEREAS**, pursuant to Public Authorities Law § 2824 (1) (e), the Board of Directors is charged with establishing written policies and procedures governing the conduct of ORDA personnel; and

#### **I. Gender-Based Violence and the Workplace Policy**

**WHEREAS**, pursuant to Governor’s Executive Order No. 17 (“EO17”), by January 1, 2023, each state agency is required to formulate and issue a Gender-Based Violence and the Workplace Policy, with implementation procedures, designed to strengthen the State’s procedures for addressing domestic and other forms of gender-based violence; and

**WHEREAS**, for the purposes of EO17, the term “state agency” includes public authorities such as ORDA; and

**WHEREAS**, in October 2022, the Office for the Prevention of Domestic Violence (“OPDV”) issued a model policy that contained the elements that State agencies are expected to incorporate into a draft Gender-Based Violence and the Workplace Policy; and

**WHEREAS**, on or before November 9, 2022, each State agency was required to submit a draft policy to OPDV for its review and comment; and

**WHEREAS**, ORDA complied with the required deadline and submitted a draft policy, which OPDV commented on and which has been revised and finalized in accordance with those comments, a copy of which is attached hereto and made a part hereof; and

#### **II. Background Check Policy**

**WHEREAS**, by Resolution #406 duly passed by the ORDA Board of Directors on January 22, 2021, the Board of Directors adopted ORDA’s Background Check Policy (“Policy”); and

**WHEREAS**, the Policy was implemented, in part, to allow ORDA 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**, ORDA has found and determined that it is both necessary and desirable to amend and update its existing Background Check Policy, which among other things adds two new categories of employees who will be required to undergo background checks prior to employment and at specified intervals during their employment with ORDA; and

**WHEREAS**, attached hereto and made a part hereof is ORDA’s proposed revised Background Check Policy, which is compliant with applicable State and Federal laws and regulations; and

**WHEREAS**, at a duly called meeting of the Governance Committee held on December 2, 2022, the Governance Committee, whose responsibility it is to develop and recommend to the Board of Directors any policies or other documents relating to effective ORDA governance, and regularly review and update such policies or documents, thoroughly reviewed and considered the proposed revised Background Check Policy and the Gender-Based Violence and the Workplace Policy and, based thereon, recommended approval by the Board of Directors;

**NOW, THEREFORE, BE IT RESOLVED THAT**, after careful consideration and due deliberation, the ORDA Board of Directors hereby approves the attached Gender-Based Violence and the Workplace Policy, and same shall be adopted and effective upon final approval by the New York State Office for the Prevention of Domestic Violence, whereupon it will be posted with other Board materials on the ORDA website for access by the public; and

**BE IT FURTHER RESOLVED** that after careful consideration and due deliberation, the ORDA Board of Directors hereby approves and adopts the attached Background Check Policy, effective immediately, and directs that it be posted with other Board materials on the ORDA website for access by the public.

**SO RESOLVED,**

MOVED BY:     Diane Munro    

SECONDED BY:     Elinor Tatum    

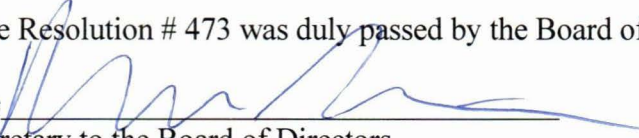
and

ADOPTED BY the following vote:

| In Favor:       | Excused/Abstained: | Against: |
|-----------------|--------------------|----------|
| Joe Martens     | _____              | _____    |
| Cliff Donaldson | _____              | _____    |
| Steve Hunt      | _____              | _____    |
| Betty Little    | _____              | _____    |
| Art Lussi       | _____              | _____    |
| Diane Munro     | _____              | _____    |
| Chris Pushkarsh | _____              | _____    |
| Jeff Stefanko   | _____              | _____    |
| Elinor Tatum    | _____              | _____    |
| _____           | _____              | _____    |
| _____           | _____              | _____    |
| _____           | _____              | _____    |

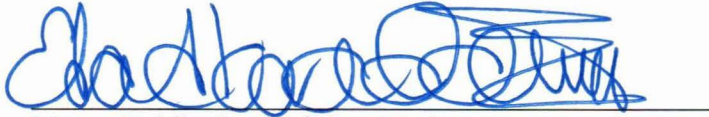
Renee Fitzgerald, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 473 was duly passed by the Board of Directors on December 19, 2022.

Signature 

Title: Secretary to the Board of Directors

Sworn before me this 20<sup>th</sup> day of December, 2022.



Notary Public, State of New York

EDWARD KOWALEWSKI, JR.  
Notary Public, State of New York  
No. 02KO4982911  
Qualified in Saratoga County  
Commission Expires June 10, 2023



## **Gender-Based Violence and the Workplace Policy Effective:**

### **I. Introduction**

The purpose of this Policy is to identify and prescribe ORDA practices that will respond effectively to employees' needs as victims of domestic and gender-based violence, and to promote safety in the workplace. This Policy is being issued in accordance with Governor's Executive Order No. 17 (EO 17), which requires that by January 1, 2023, each state agency formulate and issue a Domestic Violence and the Workplace Policy, with implementation procedures, that will strengthen New York State's procedures for addressing domestic and other forms of gender-based violence. For the purposes of EO 17, the term "state agency" or "agency" includes public authorities such as ORDA.

### **II. Policy Statement**

Domestic violence and other forms of gender-based violence permeate the lives and harm thousands of New Yorkers each day, with tragic, destructive, and often fatal results. The impacts of such violence are felt in the workplace, regardless of where the incidents are taking place, and have the potential to compromise the safety of victims, co-workers, and clients, while resulting in lost productivity, increased health care costs, absenteeism, and employee turnover. ORDA recognizes that as an employer it has both a moral and legal obligation to its employees who may be experiencing victimization.

New York State law recognizes that domestic and gender-based violence occurs within a wide spectrum of relationships, therefore ORDA will take every appropriate measure to prevent and/or address domestic and gender-based violence as it impacts the workplace, while also recognizing the rights of victims to have self-determination and the need to respond in a survivor-centered, trauma-informed, and culturally responsive manner. All valid Orders of Protection (OP) will be enforced by ORDA, and all protections of this Policy will apply. This Policy shall apply to all ORDA employees who are victims of gender-based violence, regardless of where the incidents took place.

Under the mandates of this Policy, ORDA hereby, to the fullest extent possible and without violating any existing rules, regulations, statutory requirements, contractual obligations, or collective bargaining agreements, designates and directs appropriate management, supervisory, and/or human resources staff to implement this Gender-Based Violence and the Workplace Policy covering the following topics:

A. Agency responsibilities;

- B. Definitions;
- C. Persons covered by the Policy;
- D. Non-discrimination and Responsive Personnel Policies for Employees who are victims of domestic and gender-based violence;
- E. Non-Retaliation Policy;
- F. Workplace Safety Plans;
- G. Accountability for Employees who perpetrate domestic or gender-based violence;
- H. Training;
- I. Data Collection and Reporting;
- J. Violations of this Policy.

### III. **Definitions**

For the purposes of this Policy, the following terms will have the definitions set forth below:

- A. Domestic Violence: A pattern of coercive behavior, including acts or threatened acts, that is used by a perpetrator to gain power and control over a victim, as defined in New York State Social Service Law § 459-a, including but not limited to physical, sexual, psychological, economic, and/or emotional abuse, or the threat of any/all of these acts.
- B. Domestic Violence Agency Liaison (DVAL): A designated employee of ORDA who has been trained by the Office for the Prevention of Domestic Violence (OPDV) to assist victimized employees, who shall ensure ORDA's compliance with this Gender-Based Violence and the Workplace Policy, and who serves as the primary contact for OPDV.
- C. Employee: Solely for purposes of this Policy, the term "employee" shall include all full-time staff, part-time staff, seasonal and/or temporary staff, contract employees, per diem staff, and those who perform services for ORDA as official volunteers.
- D. Gender-Based Violence: Violence or threats that happen because of someone's sex, gender, sexual orientation, gender identity or expression, or other related characteristics. Gender-based violence is an umbrella term that includes domestic violence, sex-based discrimination, sexual harassment, sexual assault, and sexual violence, and can also include stalking or human trafficking.
- E. ORDA: All venues and other workplaces operated, managed, and/or maintained by the State of New York Olympic Regional Development Authority.
- F. Order of Protection (OP) (Commonly referred to as "Restraining Order" or "Stay-Away Order"): An order issued by any court to limit the behavior of someone who harms or threatens to harm another person. Orders of protection may direct the offending party not

to injure, threaten, or harass the victim, their family, or any other person(s) listed in the order and may include but not be limited to ordering the person who is the subject of the order to: stay away from the home, school, business, or place of employment of the victim; vacate a shared residence; abide by any active orders of custody and visitation; and/or surrender any firearms.

- G. Perpetrator or abusive partner or person who causes harm: A person who commits or threatens to commit coercive or violent acts, which may include but is not limited to physical, psychological, sexual, economic, and/or emotional abuse against a victim.
- H. Sexual Harassment: Consistent with the New York State Human Rights Law and ORDA policy, unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:
1. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
  2. Such conduct is made either explicitly or implicitly a term or condition of employment; or
  3. Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.
- I. Victim of domestic violence (Executive Law § 292 [34] [Human Rights Law]; New York State Social Services Law § 459-a): Any person over the age of sixteen (16), any married person, or any parent<sup>1</sup> accompanied by their minor child or children in situations in which such person or such person's child is a victim of an act which would constitute a violation of the penal law including but not limited to, acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted assault, attempted murder, criminal obstruction of breathing or blood circulation, or strangulation, identity theft, grand larceny, or coercion; and
1. Such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and
  2. Such act or acts are or are alleged to have been committed by a family or household member with the term "family or household members" defined to mean:
    - a. Persons related by consanguinity or affinity (blood or a person's relation to blood relatives of their spouse);
    - b. Persons legally married to one another;

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<sup>1</sup> The term "Parent" means a natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

- c. Persons formerly married to one another regardless of whether they still reside in the same household;
- d. Persons who have a child in common regardless of whether such persons are married or have married or have lived together at any time;
- e. Unrelated persons who are continually or at regular intervals living in the same household or who in the past continually or at regular intervals lived in the same household;
- f. Persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an “intimate relationship” include but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. *Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an “intimate relationship”;* or
- g. Any other category of individuals deemed to be a victim of domestic violence as defined by the Office of Children and Family Services in regulation.

J. Workplace: For the purposes of this Policy, any permanent or temporary location away from an ORDA employee’s domicile where the employee performs any work-related duty in the course of their employment with ORDA.

#### **IV. Persons covered by this Policy**

This Policy shall extend to all ORDA employees as that term is defined herein.

#### **V. Statement of Confidentiality**

ORDA recognizes and respects each of its employees’ right to privacy and confidentiality. All information, including employee disclosures about victimization, shall be kept confidential to the extent permitted by law and organizational policy. In any other instance ORDA will first obtain written consent from the victimized employee. In all circumstances ORDA will provide notice to the victimized employee, and any confidential information will be given to only those deemed necessary for securing the safety of the victim, other employees, or the workplace. The information given will be as limited in scope as possible, and anyone receiving such information may be required to sign an acknowledgement of confidentiality stating that any information they have been given will be used only for the intended purpose. ORDA will not share information in circumstances where doing so would create a substantial risk of imminent danger to the victimized employee, other employees, or the workplace.

#### **VI. ORDA Responsibilities**

A. ORDA shall designate at least one employee as its Domestic Violence Agency Liaison (DVAL). Where possible, the liaison shall be an employee with advocacy, social work, or

counseling experience. To fulfill this requirement, ORDA has designated the Director of Human Resources as the DVAL.

- B. Employees who work as Employee Assistance Program (EAP) Coordinators shall not be designated as the DVAL.
- C. The current contact information for all DVALs and their supervisors will be communicated to OPDV by emailing [workplace@opdv.ny.gov](mailto:workplace@opdv.ny.gov). Any updates to this information shall be provided within two weeks of the change.
- D. Employee Awareness
  - 1. ORDA will work to increase awareness regarding domestic and gender-based violence and create an informed workforce by providing available sources of assistance for those employees who experience domestic or gender-based violence.
  - 2. ORDA will increase awareness regarding possible disciplinary practices that may be implemented in the event of retaliation or used with employees who perpetrate acts of domestic or gender-based violence.
  - 3. ORDA will include this Policy as part of the written materials that are provided to all new employees, and will also provide this Policy to all employees on an annual basis.
  - 4. A detailed explanation of employee rights under this Policy will be given during new employee orientation, including information for contacting the DVAL.
  - 5. If ORDA suspects that an employee is a victim of domestic and gender-based violence but the employee has not disclosed victimization, ORDA will refer the employee to:
    - a. The DVAL
    - b. The local or Statewide EAP  
1-800-822-0244
    - c. The NYS Domestic and Sexual Violence Hotline  
1-800-942-6906 or chat/text 1-844-997-2121
    - d. If applicable, the Statewide hotline for workplace sexual harassment  
1-800-427-2773
    - e. Local programs serving victims of domestic and sexual violence:
      - i. **For Clinton, Essex, and Franklin Counties:**  
Behavioral Health Services – STOP Domestic Violence  
1-888-563-6904  
Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.

First Step to New Beginnings Domestic Violence Program-  
Community Connections of Franklin County  
518-481-8748

Provides non-residential domestic violence services. OCFS  
Licensed and Approved.

Three Sisters Program of the Saint Regis Mohawk Tribe  
855-374-7837

Provides both residential and non-residential domestic violence  
services.

ii. **For Warren, Washington, and Saratoga Counties:**  
Catholic Charities of Warren, Washington and Saratoga Counties –  
The Domestic Violence Project

518-793-9496

Provides both residential and non-residential domestic violence  
services. OCFS Licensed and Approved.

Wellspring

518-584-8188

Provides both residential and non-residential domestic violence  
services. OCFS Licensed and Approved.

In Our Own Voices LGBT Domestic Violence Support Line

518-432-4341

Provides non-residential domestic violence services (Monday -  
Friday 9:00 AM -9:00 PM).

Mechanicville Area Community Service Center Domestic Violence  
Advocacy Program

518-664-4008

Provides non-residential domestic violence services. OCFS  
Licensed and Approved.

iii. **For Delaware and Ulster Counties:**

Family of Woodstock Inc.

845-679-2485

Provides both residential and non-residential domestic violence  
services. OCFS Licensed and Approved.

Delaware Opportunities, Inc. – Safe Against Violence

607-746-6278 or 866-457-7233

Provides both residential and non-residential domestic violence  
services. OCFS Licensed and Approved.

iv. **Other local resources in New York State can be found at:  
<https://opdv.ny.gov/domestic-violence-service-providers>**

6. ORDA will post information on domestic and gender-based violence, this Policy, and any additional available resources at each ORDA venue or other workplace in the following places where employees will be able to utilize the information without having to request it or be seen removing it:
  - a. The bulletin boards in the administration building and in the employee time clock areas of each ORDA Venue or other workplace;
  - b. Restrooms;
  - c. Kitchen and lounge areas, and other frequently trafficked areas;
  - d. Employee Workbright accounts;
  - e. The Human Resources offices in each Venue or other ORDA workplace;
  - f. Other locations where necessary and appropriate.
7. The information to be made available will include:
  - a. Sources of assistance;
  - b. Contact information for the DVAL;
  - c. EAP information;
  - d. Human Resources staff;
  - e. The NYS Domestic and Sexual Violence Hotline Number; and
  - f. Contact information for local domestic violence programs.
8. Referrals will be offered to anyone who discloses they are a victim of domestic or gender-based violence, as follows to:
  - a. The DVAL;
  - b. EAP;
  - c. The NYS Domestic and Sexual Violence Hotline (or the Statewide hotline for workplace sexual harassment, as may be appropriate), and
  - d. Any local programs serving victims of domestic and sexual violence.
9. Additional referrals will be made to the resources that will best meet the employee's needs.
10. To the extent possible ORDA will conduct programs and activities throughout the year to increase awareness about domestic and gender-based violence such as:
  - a. Brown bag lunch discussions;

- b. Presentations by local domestic and gender-based violence programs or OPDV.

## **VII. DVAL Responsibilities**

- A. Ensuring ORDA-wide implementation of, and compliance with, this Gender-Based Violence and the Workplace Policy.
- B. Ensuring that victimized employees are aware of and understand this Policy and their rights.
- C. Upon notification that an employee is a victim of domestic or gender-based violence, providing the employee with confidential support services including referrals to:
  - 1. EAP;
  - 2. The NYS Domestic and Sexual Violence Hotline (or the Statewide hotline for workplace sexual harassment, as may be appropriate), and
  - 3. Any local programs serving victims of domestic and sexual violence.
- D. Ensuring that the victimized employee is informed of all possible options available to them such as the use of alternative scheduling or a change in work location, and assisting the employee in identifying the best use of attendance and leave benefits.
- E. Ensuring that the victimized employee is aware of and receiving any necessary accommodations as outlined in Sections X and XII of this Policy.
- F. Ensuring that all employees receive a copy of this Policy annually, and regularly receive information about how to contact the DVAL and understand what supportive services are offered by ORDA.
- G. Conducting basic workplace safety strategizing with victimized employees.
- H. Serving as the primary contact for OPDV, including reporting bi-annual data.

## **VIII. Responsibilities of the Office of Human Resources**

- A. All ORDA Human Resources staff shall ensure that ORDA establishes a workplace culture that is safe and supportive for anyone who has experienced domestic or gender-based violence by communicating all relevant information and assuring that the necessary resources are available to victims, and further ensuring that abusive behavior by any employee will not be tolerated.
- B. ORDA Human Resources staff shall ensure that all employees who are required under the terms of this Policy to attend training from OPDV, timely complete all such training.
- C. ORDA Human Resources staff shall ensure that all employees shall receive a copy of this policy upon hire as well annually, as well as information about how to contact the DVAL and what supportive services are offered by ORDA.

- D. ORDA Human Resources staff shall ensure that any employee who discloses being a victim of domestic or gender-based violence is aware of and receiving any necessary accommodations. Through the DVAL, Human Resources staff shall consult with ORDA leadership and Counsel, and OPDV Counsel as appropriate, to address complex cases.
- E. ORDA Human Resources staff shall work with the DVAL, Counsel, and ORDA executive management, to assist managers and supervisors and take whatever steps are necessary to ensure accountability for any employee who violates this Policy.

## **IX. Responsibilities of Managers and Supervisors**

- A. All managers and supervisors shall ensure that any employee who discloses being a victim of domestic or gender-based violence is aware of this Policy and understands this Policy and their rights, including the right to request accommodations or time off as discussed below.
- B. If any employee discloses being a victim of domestic or gender-based violence, or if a supervisor suspects that their employee may be a victim of domestic or gender-based violence, the Supervisor shall refer the employee to:
  - 1. The DVAL;
  - 2. EAP;
  - 3. The NYS Domestic and Sexual Violence Hotline (or the Statewide hotline for workplace sexual harassment, as may be appropriate); and
  - 4. Any local programs serving victims of domestic and sexual violence.

*There is no mandatory reporting of domestic or gender-based violence, unless it may constitute sexual harassment as defined under the terms of this Policy and the Equal Employment Opportunity in New York Rights and Responsibilities Handbook, which ORDA has adopted as its policy on Equal Employment Opportunity.*

## **X. Non-discrimination and Responsive Personnel Policies**

In accordance with applicable law and policy, ORDA's policies and procedures will endeavor to be trauma-informed, survivor-centered, and culturally responsive to victims' needs, and will not discriminate. Under the New York State Human Rights Law (Executive Law § 292 [22]) victims of domestic violence are a protected class, and all persons covered by this Policy are protected from discrimination in the workplace on the basis of status as a victim of domestic violence, and on the basis of sex, sexual orientation, gender identity, and gender expression.

- A. ORDA will not refuse to hire or license and may not terminate someone solely based on their status as a victim of domestic violence.
- B. ORDA will not discriminate against victims of domestic violence in compensation, terms, conditions, or privileges of employment.

- C. ORDA prohibits inquiries about an applicant's status as a current or past victim of domestic violence and will not make any employment decisions based on assumptions or actual knowledge about someone's status as a current or past victim of domestic violence. ORDA may inquire about status as a victim of domestic violence in order to provide reasonable accommodations.
- D. ORDA will allow any employee who has disclosed their status as a victim of domestic or gender-based violence (or disclosed that a family member is a victim of domestic or gender-based violence) and who must be out of work for a reasonable time to use accrued sick leave<sup>2</sup> for the following purposes:
1. To obtain services from a domestic violence shelter, rape crisis center, or other services program;
  2. To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members;
  3. To meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
  4. To file a complaint or domestic incident report with law enforcement;
  5. To meet with a district attorney's office;
  6. To enroll children in a new school;
  7. To address issues relating to technology or financial abuse; or
  8. To take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee including the attendance of court or administrative proceedings.
- E. Employees can choose to use appropriate leave accruals to cover any absences, if available. If the employee does not have adequate leave accruals to cover the absence or chooses not to charge leave accruals, the absence shall be treated as leave without pay. In certain qualifying circumstances, employees who are victims of domestic violence may be eligible for leave under the Family and Medical Leave Act and/or a Reasonable Accommodation pursuant to the NYS Human Rights Law. Questions regarding leave for victims or subpoenaed witnesses should be directed to the ORDA DVAL.
- F. Any employee who must be absent from work to utilize accommodations in this section is entitled to the continuation of any health insurance coverage provided by ORDA to which the employee is otherwise entitled during any such absence, in accordance with any existing collective bargaining agreements, regulations, and ORDA policy.
- G. Employees who must be absent to utilize accommodations as listed in this section shall provide ORDA with reasonable advanced notice of the absence whenever possible. Such

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<sup>2</sup> Labor Law § 196-b (4).

notice should be provided to the employee's immediate supervisor and to the appropriate Human Resources staff.

- H. ORDA will also grant time off, with one prior day of notification, and will not penalize any employee who, as a victim or witness of a criminal offense, is: appearing as a witness; consulting with a district attorney; or exercising their rights as provided by law.<sup>3</sup>
- I. ORDA recognizes that there may be occurrences when an employee is absent due to incidents of domestic or gender-based violence where they are unable to follow agency protocol to report the absence. In that situation, the employee may lack documentation, may be unable to obtain documentation or may not want to share documentation containing confidential information. ORDA will not require the disclosure of confidential information relating to an absence from work due to domestic violence, a sexual offense, stalking, or human trafficking, as a condition of providing sick leave.
- J. An employee who is a victim of domestic violence or gender-based violence who separates from a covered family member due to an incident or incidents of domestic or gender-based violence will be allowed to make reasonable changes in benefits at any time during the calendar year, where possible and in accordance with statute, regulation, contract, and ORDA policy.
- K. ORDA recognizes that victims of domestic and gender-based violence may experience temporary work performance difficulties or be unable to complete certain job aspects because of safety reasons (examples include overnight travel, "off" hour shifts, etc.). If it is found that an employee's work performance is being affected as a result of being a victim of domestic or gender-based violence, ORDA will work with the employee to try to create a satisfactory resolution, including, but not limited to, specific work plans, the ability to take leave, provision of reasonable accommodations, referrals to the DVAL, EAP, and/or the local domestic violence service provider. OPDV is available for case-specific technical assistance as needed. Employees will be given clear information regarding performance expectations, priorities, and performance evaluations. Employees should be aware that not all employee requests for resolutions can be accommodated. If a disciplinary process is initiated, special care will be taken to consider all aspects of the victimized employee's situation, and all available options will be explored in trying to resolve the performance problems including making a referral to the DVAL, EAP, domestic violence program or other relevant services, consistent with existing collective bargaining unit agreements, statute, regulations, and ORDA policy.
- L. If all reasonable measures have been exhausted to resolve related performance problems of an employee who is a victim of domestic or gender-based violence, but the performance problems persist and the employee is terminated or voluntarily separates from employment, ORDA will inform the employee of their potential eligibility for unemployment insurance and ORDA will respond quickly to any requests for information that may be needed in the claims process. New York State law provides that a victim of domestic violence who voluntarily separates from employment may, under certain circumstances, be eligible for unemployment insurance benefits.<sup>4</sup>

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<sup>3</sup> Penal Law § 215.14

<sup>4</sup> NYS Labor Law § 593 (1) (b) (i)

- M. New York State law prohibits insurance companies and health maintenance organizations from discriminating against domestic violence victims by prohibiting status as a domestic violence victim to be considered a “pre-existing condition.” Insurance companies may not deny or cancel an insurance policy or require a higher premium or payment because the insured party is a current or former victim of domestic violence.<sup>5</sup>
- N. Sex, sexual orientation, gender identity, and gender expression are all protected classes under the New York State Human Rights Law. Sexual harassment is a form of sex discrimination and is unlawful under the New York State Human Rights Law § 296.1, Human Rights Law § 296-c (for interns), Human Rights Law § 296-d (for non-employees working in the workplace), and Title VII, the Federal Civil Rights Act of 1964. Gender-based violence may constitute sexual harassment when it subjects an individual to inferior terms, conditions, or privileges of employment. ORDA’s sexual harassment and discrimination policy may be found in each employee’s Workbright account and at <https://orda.org/about-us/policies/>.
- O. For all forms of discrimination and harassment, if an employee, including an intern or contractor working in at an ORDA venue or other workplace, experiences sexual harassment or discrimination on the basis of their status as a victim of domestic or other gender-based violence, or observes discrimination in the workplace, the employee may file a complaint at <https://oer.ny.gov/anti-discrimination-investigations> either directly or by contacting ORDA’s Office of Human Resources, or by filling out the complaint form found at <https://orda.org/about-us/policies/>.
- P. Any complaint of potential discrimination, whether verbal or written, will be investigated. Furthermore, ORDA requires that any supervisory or managerial employee who observes or otherwise becomes aware of conduct of a sexually harassing nature report such conduct so that it can be investigated. ORDA will maintain the confidentiality of the complainant to the extent practical.

## **XI. Non-Retaliation Policy**

- A. ORDA will not engage in any retaliatory practices against any employee who discloses that they are a victim of domestic or gender-based violence, or any employee seeking accommodations or to exercise their rights under this Policy.
- B. In accordance with ORDA policies and procedures, ORDA will not retaliate against, tolerate retaliation by any supervisor or manager, terminate, or discipline any employee for reporting information about alleged incidents of domestic violence that may have been committed by an employee, including those in management positions.
- C. Retaliatory practices may include, but are not limited to, fewer promotions, inappropriate jokes, snide comments, excluding a victimized employee from conversations, etc., and may be carried out by anyone, not just the original perpetrator. Retaliation includes commencing discipline against a victimized employee for actions taken to promote their safety.

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<sup>5</sup> NYS Insurance Law § 2612

- D. Any employee engaging in retaliatory practices may be subject to disciplinary actions. If you believe you have been subject to retaliatory practices, please see Section XVI: Violations of this Policy.

## **XII. Workplace Safety Plans**

ORDA will have workplace safety response plans in place, including procedures for reporting to supervisors, managers, or contacting law enforcement, if necessary, should an event take place in the workplace. ORDA's workplace violence incident report is available to the Office of Human Resources.

- A. ORDA will comply and assist with the enforcement of all known Orders of Protection (OP).
- B. If requested by the victim or by law enforcement, ORDA will provide any relevant information regarding an alleged violation of an OP.
- C. All ORDA employees are encouraged to disclose the existence of, or any information concerning any active OP to the DVAL or designated Human Resources staff member at their Venue or other ORDA workplace. Copies of OPs will be maintained in a locked, confidential location, separately from the employee's personnel file. In the event of an emergency or that the OP needs to be presented to law enforcement, the DVAL or designated Human Resources staff member, or a member of ORDA executive staff shall retrieve and present the OP.
- D. *Any modification or revocation of the OP should be provided to the DVAL immediately, and the DVAL shall assure that relevant Human Resources and/or executive staff are aware of such modification or revocation.*
- E. When requested by the victimized employee, the DVAL and/or designated Human Resources staff will work with the employee to develop a plan for best increasing safety for the victimized employee, other employees, and the ORDA Venue or other workplace. Options may include, but are not limited to:
  - 1. Providing front desk security or reception staff with a copy of the OP with a photo of the perpetrator;
  - 2. Protocols for reporting to law enforcement;
  - 3. Allowing the employee to work staggered hours, an "off shift", or move to a different work location, either temporarily or permanently;
  - 4. Temporary reassignment of certain duties, such as overnight travel;
  - 5. Reassignment of parking space;
  - 6. Providing an escort for entry and exit from the workplace;
  - 7. Escorting or allowing law enforcement to escort a perpetrator out of the building and off the workplace premises;

8. Working with the employee to address any identified concerns about the use of technology;
  9. Assigning a new email account or phone number if the perpetrator has been able to access the existing accounts;
  10. Creating a personalized safety plan in consultation with the local domestic or sexual violence program;
  11. Allowing the employee to work from an alternate work station until further action is taken, if the employee works directly with the perpetrator; or
  12. If an OP is in place and has been violated (i.e. by perpetrator showing up at workplace of victim), requiring the reporting of the violation to law enforcement.
- F. If the circumstances indicate a need for ORDA to take steps to increase safety for the victim, other employees, and the Venue, Agency should follow their Workplace Violence Policy.

### **XIII. Accountability for Employees who Perpetrate Acts of Domestic or Gender-Based Violence**

- A. ORDA will hold accountable any employee who is found to have engaged in behaviors including but not limited to:
1. Using ORDA or State resources, including time, to commit an act of domestic or gender-based violence;
  2. Committing an act of domestic or gender-based violence from or at an ORDA venue or other property, or from any location conducting State business, except for locations from which employees are telecommuting; or
  3. Using their job-related authority and/or State resources to negatively affect victims of domestic or gender-based violence and/or to assist a perpetrator in locating a victim and/or in perpetrating an act of domestic or gender-based violence.
- B. Acts of domestic or gender-based violence that occur outside of the workplace can subject a person to administrative and/or disciplinary action.
- C. If ORDA has found that an employee has committed any act of gender-based violence, including making threats or harassment at or from the workplace, or using any ORDA or State resources such as work time, ORDA or State owned telephones or cell phones, e-mail, or by any other means, the employee's Supervisor, in conjunction with the Director of Human Resources, shall take any and all steps necessary to hold the employee accountable through administrative and/or disciplinary action in accordance with existing ORDA policy, applicable collective bargaining agreements, applicable statutes and/or regulations. This should include referrals to Accountability Programs for Persons who Cause Harm. In these instances, ORDA will work with the Office of Prevention for Domestic to determine what program is best suited for the employee.

- D. Actions may include, but are not limited to:
1. Placing the employee on administrative leave;
  2. Issuing a cease and desist memo;
  3. Removing/modifying the employee's chain of supervision pending an official report;
  4. Relocation of the employee alleged to have committed the abuse, to another work site;
  5. Surrender of work cell phone, laptop, or other ORDA-issued equipment;
  6. Placing an employee on probation;
  7. Mandated participation in an Accountability Programs for Person who Cause Harm;
  8. Suspension without pay; or
  9. Termination.
- E. ORDA will determine if corrective action or disciplinary action is warranted, in accordance with existing policies and procedures, existing collective bargaining agreements, relevant statutes and/or regulation if ORDA has received verification that an employee is responsible for any gender-based violence-related offense or is the respondent on any OP including temporary, final, and/or out-of-State orders because of a gender-based violence related offense, and said employee has any job functions that include:
1. The authority to take actions that directly impact victims of gender-based violence domestic violence; and/or
  2. Actions which may protect perpetrators from appropriate consequences for their behavior.
- F. Any employee who intentionally uses the authority of their employment and/or misuses any ORDA or other State resources in order to engage in any of the following, shall be subject to corrective or disciplinary action, in accordance with existing policies and procedures, collective bargaining agreements; applicable statutes and/or regulations:
1. Negatively impact any victim of gender-based violence;
  2. Assist a perpetrator in locating a victim;
  3. Assist a perpetrator in perpetrating any act of gender-based violence;
  4. Protect a perpetrator from receiving appropriate consequences; or
  5. Otherwise retaliate against a victim of gender-based violence.

- G. *Any ORDA employee who would like to report information about an alleged act of gender-based violence committed by another ORDA employee may do so by contacting the Director of Human Resources, the Anti-Discrimination Investigations Division at the NYS Office for Employee Relations (<https://antidiscrimination.oer.ny.gov/>), or the NYS Inspector General's Office, by calling the toll-free hotline at 1-800-367-4448. Trained staff will discuss the specifics of your complaint.*

#### **XIV. Training**

- A. The DVAL:
1. Shall complete a Gender-Based Violence and the Workplace training provided by OPDV.
  2. Shall complete an initial one-day training provided by OPDV.
  3. Shall attend quarterly meetings hosted by OPDV, which will provide ongoing training and technical assistance. Appropriate managers, supervisors, Employee Assistance Program staff, and human resources personnel, union and labor representatives, may also attend the OPDV DVAL one-day or quarterly trainings.
- B. EAP Staff: All ORDA employees who function as EAP coordinators must participate in annual training provided by OPDV on Gender-Based Violence and the Workplace training.
- C. Human Resources: All employees who are employed in human resources positions must participate in two annual trainings provided by OPDV:
1. Gender-Based Violence and the Workplace training, and
  2. Gender-Based Violence Workplace Safety Planning training.
- D. Supervisors: All employees who are supervisors must participate in an annual Gender-Based Violence and the Workplace training provided by OPDV.
- E. Additional employees: To the extent possible, ORDA will work through OPDV to implement annual training for all employees regarding gender-based violence and the workplace.

#### **XV. Data Collection and Reporting to OPDV**

- A. Information regarding employees who are victims of domestic or gender-based violence, as well as those who are disciplined for violating this Policy, will be maintained by the DVAL and reported to OPDV on a bi-annual basis, and at any time upon request from OPDV. Reporting to OPDV will be done in aggregate form without any personally identifying information. Data from January through June will be due no later than July 30, and data from July through December will be due no later than January 30.
- B. The following information will be collected, maintained, and reported to OPDV:
1. To the best of ORDA's ability, all incidents of gender-based violence that take place at an ORDA venue or other workplace, or while an employee is on ORDA

time, shall be documented consistent with applicable law and ORDA policy, categorized by domestic violence and sexual violence;

2. The general nature of the incidents that occurred in an ORDA Venue or other workplace;
3. The number of employees who report being a victim of current or past domestic violence;
4. The number of employees who make contact with the ORDA DVAL with concerns that a co-worker is experiencing domestic violence or gender-based violence;
5. The number of employees who are referred for discipline in accordance with section XIII of this Policy;
6. The number of employees who contact the DVAL to request information on domestic violence services;
7. The number of referrals made to domestic violence service providers, EAPs, or other applicable services;
8. The number of orders of protection that are reported to ORDA.

#### **XVI. Violations of this Policy**

- A. Any employee who would like to report any alleged violations of this Policy may do so by contacting OPDV, ORDA's Director of Human Resources, or the NYS Inspector General's Office, by calling the toll-free hotline at **1-800-367-4448** where trained staff will discuss the specifics of your complaint.
- B. For complaints of workplace discrimination, employees may contact the Anti-Discrimination Investigations Division at the NYS Office for Employee Relations (<https://antidiscrimination.oer.ny.gov/>). This includes complaints related to denials of reasonable accommodations.



## **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 holding the positions and/or titles identified in Category 2 or Category 3 and who are subject to ongoing background checks.

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 identified as follows:

- a. 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.
- b. Those positions in which the job responsibilities involve or will involve a Candidate working in a retail store at any ORDA venue. This includes any position coded to “RET” (also known as retail).
- c. Those positions in which the job responsibilities involve or will involve a Candidate operating a shuttle bus with the capability of transporting 15 or more passengers to and/or from any ORDA venue. This includes any position that requires a New York State Commercial Driver’s License with a Passenger Endorsement.

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 nonpublic 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 standalone 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 §§ 9199, 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

## **Exhibit B**

*Para información en español, visite [www.consumerfinance.gov/learnmore](http://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](http://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](http://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](http://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](http://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 (1888-567-8688).
- The following FCRA right applies with respect to nationwide consumer reporting agencies:

#### CONSUMERS HAVE THE RIGHT TO OBTAIN A SECURITY FREEZE

- 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.
- 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.

- 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](http://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<br/>1700 G Street, N.W.<br/>Washington, DC 20552</p> <p>b. Federal Trade Commission: Consumer Response Center – FCRA<br/>600 Pennsylvania Avenue, NW<br/>Washington, DC 20580<br/>(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<br/>1301 McKinney Street, Suite 3450<br/>Houston, TX 77010-9050</p> <p>b. Federal Reserve Consumer Help Center<br/>P.O. Box. 1200<br/>Minneapolis, MN 55480</p> <p>c. FDIC Consumer Response Center<br/>1100 Walnut Street, Box #11<br/>Kansas City, MO 64106</p> <p>d. National Credit Union Administration Office of Consumer Protection (OCP) Division of Consumer Compliance and Outreach (DCCO)<br/>1775 Duke Street<br/>Alexandria, VA 22314</p> |
| <p>3. Air carriers</p>   | <p>Asst. General Counsel for Aviation Enforcement &amp; Proceedings, Aviation Consumer Protection Division, Department of Transportation<br/>1200 New Jersey Avenue, S.E.<br/>Washington, DC 20590</p>   |
| <p>4. Creditors Subject to the Surface Transportation Board</p>  | <p>Office of Proceedings, Surface Transportation Board, Department of Transportation<br/>395 E Street, S.W.<br/>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<br/>409 Third Street, S.W., 8<sup>th</sup> Floor<br/>Washington, DC 20416</p>  |
| <p>7. Brokers and Dealers</p>  | <p>Securities and Exchange Commission<br/>100 F Street, N.E.<br/>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<br/>1501 Farm Credit Drive<br/>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<br/>600 Pennsylvania Avenue, NW<br/>Washington, DC 20580<br/>(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 # 474**

**RESOLUTION APPROVING AND ADOPTING  
ORDA'S 2023/2024 BUDGET & 2022-2027 FINANCIAL PLAN**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on December 19, 2022, the Chair offered the following resolution:

**WHEREAS**, Pursuant to Part 203 of Title 2 the Official Compilation of Codes, Rules and Regulations of the State of New York (Department of Audit and Control), ORDA is required to annually prepare a budget and financial plan covering the current fiscal year and the revenue and expenditure projections for a minimum of three subsequent fiscal years, in accordance with generally accepted accounting principles; and

**WHEREAS**, the requirements of Part 203 specify the budget and financial plan format, and the requirements for the budget and financial plan presentation; and

**WHEREAS**, ORDA has prepared a budget that meets the requirements of Part 203, and has carefully reviewed and projected the revenues to be received and expenses forecasted to be incurred over the five-year period of the financial plan for years 2022-2027; and

**WHEREAS**, at a duly called meeting of the Executive Committee held on September 14, 2022, the Executive Committee, whose responsibility it is to recommend to the Board of Directors a financial budget reflecting anticipated operating and capital expenditures and operating receipts for the ensuing year, thoroughly reviewed and considered the Proposed 2023/2024 Budget & 2022-2027 Financial Plan and based thereon, authorized publication of the Proposed 2023/2024 Budget & 2022-2027 Financial Plan in accordance with the requirements of Part 203 and recommended presentation to the Board of Directors for approval; and

**WHEREAS**, annexed hereto and made a part hereof as if fully restated herein, is ORDA's Proposed 2023/2024 Budget & 2022-2027 Financial Plan;

**NOW, THEREFORE, BE IT RESOLVED**, that after careful consideration and due deliberation, the ORDA Board of Directors hereby approves and adopts the Proposed 2023/2024 Budget & 2022-2027 Financial Plan as ORDA's 2023/2024 Budget & 2022-2027 Financial Plan, effective immediately, which will be posted with the Board materials on the ORDA website for access by the public in accordance with the requirements of 2 NYCRR Part 203.

**SO RESOLVED,**

MOVED BY: Art Lussi

SECONDED BY: Diane Munro

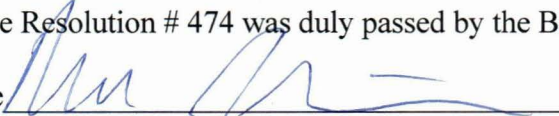
and

ADOPTED BY the following vote:

| In Favor:       | Excused/Abstained: | Against: |
|-----------------|--------------------|----------|
| Joe Martens     |                    |          |
| Cliff Donaldson |                    |          |
| Steve Hunt      |                    |          |
| Betty Little    |                    |          |
| Art Lussi       |                    |          |
| Diane Munro     |                    |          |
| Chris Pushkarsh |                    |          |
| Jeff Stefanko   |                    |          |
| Elinor Tatum    |                    |          |
|                 |                    |          |
|                 |                    |          |
|                 |                    |          |

Renee Fitzgerald, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 474 was duly passed by the Board of Directors on December 19, 2022.

Signature   
Title: Secretary to the Board of Directors

Sworn before me this 20<sup>th</sup> day of December, 2022.



Notary Public, State of New York

EDWARD KOWALEWSKI, JR.  
Notary Public, State of New York  
No. 02KO4982911  
Qualified in Saratoga County  
Commission Expires June 10, 2023



NEW YORK STATE

**OLYMPIC REGIONAL  
DEVELOPMENT AUTHORITY**

Proposed 2023/2024 Budget &  
2022-2027 Financial Plan

|  | Approved<br>2022/2023 | Proposed<br>2023/2024 | Projected<br>2024/2025 | Projected<br>2025/2026 | Projected<br>2026/2027 |
|--|-----------------------|-----------------------|------------------------|------------------------|------------------------|
| <b>Revenue &amp; Financial Sources</b>   |                       |                       |                        |                        |                        |
| <b>Operating Revenues</b>  |                       |                       |                        |                        |                        |
| Charges for Services   | \$38,007,544          | \$43,543,000          | \$44,849,290           | \$45,297,783           | \$45,977,250           |
| Rentals & Financing Income   | \$488,347             | \$3,655,000           | \$3,764,650            | \$3,802,297            | \$3,859,331            |
| Other Operating Revenues   | \$5,166,859           | \$5,194,000           | \$5,349,820            | \$5,403,318            | \$5,484,368            |
| <b>Non-Operating Revenues</b>  |                       |                       |                        |                        |                        |
| Investment Earnings  | \$0                   | \$1,000               | \$1,000                | \$1,000                | \$1,000                |
| State Subsidies / Grants   | \$14,940,000          | \$14,940,000          | \$14,940,000           | \$14,940,000           | \$14,940,000           |
| Federal Subsidies / Grants   |                       |                       |                        |                        |                        |
| Municipal Subsidies / Grants   | \$750,000             | \$500,000             | \$500,000              | \$500,000              | \$500,000              |
| Public Authority Subsidies   |                       |                       |                        |                        |                        |
| Other Non-Operating Revenues   | \$854,893             | \$1,032,250           | \$1,047,250            | \$1,052,400            | \$1,060,202            |
| <b>Proceeds from the Issuance of Debt</b>  |                       |                       |                        |                        |                        |
| <b>Total Revenues &amp; Financing Sources</b>  | <b>\$60,207,643</b>   | <b>\$68,865,250</b>   | <b>\$70,452,010</b>    | <b>\$70,996,798</b>    | <b>\$71,822,151</b>    |
| <b>Expenditures</b>  |                       |                       |                        |                        |                        |
| <b>Operating Expenditures</b>  |                       |                       |                        |                        |                        |
| Salaries and Wages   | \$25,929,410          | \$29,966,010          | \$30,565,330           | \$30,870,984           | \$31,179,693           |
| Other Employee Benefits  | \$17,465,802          | \$16,780,944          | \$17,126,563           | \$17,302,829           | \$17,480,857           |
| Professional Services Contracts  | \$245,431             | \$250,000             | \$255,000              | \$257,550              | \$260,126              |
| Supplies and Materials   | \$2,486,494           | \$4,350,000           | \$4,437,000            | \$4,481,370            | \$4,526,184            |
| Other Operating Expenditures   | \$13,851,354          | \$17,485,786          | \$17,835,501           | \$18,013,856           | \$18,193,995           |
| <b>Non-Operating Expenditures</b>  |                       |                       |                        |                        |                        |
| Payment of Principal on Bonds and<br>Financing Arrangements                            |                       |                       |                        |                        |                        |
| Interest and other Financing Charges   | \$119,998             | \$0                   | \$0                    | \$0                    | \$0                    |
| Subsidies to Other Public Authorities  |                       |                       |                        |                        |                        |
| Capital Asset Outlay   | \$105,000,000         | \$80,000,000          | \$80,000,000           | \$80,000,000           | \$80,000,000           |
| Grants and Donations   |                       |                       |                        |                        |                        |
| Other Non-Operating Expenditures   |                       |                       |                        |                        |                        |
| <b>Total Expenditures</b>  | <b>\$165,098,489</b>  | <b>\$148,832,740</b>  | <b>\$150,219,394</b>   | <b>\$150,926,588</b>   | <b>\$151,640,854</b>   |
| <b>Capital Contributions</b>   | <b>\$105,000,000</b>  | <b>\$80,000,000</b>   | <b>\$80,000,000</b>    | <b>\$80,000,000</b>    | <b>\$80,000,000</b>    |
| <b>Excess (Deficiency) of Revenues and<br/>Capital Contributions Over Expenditures</b> | <b>\$109,154</b>      | <b>\$32,510</b>       | <b>\$232,616</b>       | <b>\$70,209</b>        | <b>\$181,297</b>       |

**(a) ORDA’s Relationship with New York State Government**

New York State Olympic Regional Development Authority (“ORDA”) was created under Title 28 of the Public Authorities Law as a public benefit corporation on June 10, 1981 to operate, manage and maintain the Olympic facilities in and around Lake Placid, New York. ORDA assumed operation of the facilities at Whiteface Mountain Ski Center and Memorial Highway and the Mount Van Hoevenberg Recreation Area on October 4, 1982 under an agreement with the New York State Department of Environmental Conservation (“DEC”). ORDA assumed operation of the arena complex, the speed skating oval and the Interval Ski Jump complex on October 13, 1982 under agreement with the Town of North Elba, as trustee for the Town of North Elba Public Parks and Playground District. On April 1, 1984, ORDA entered into an agreement with DEC to operate, manage and maintain Gore Mountain Ski Center. On April 1, 2012, ORDA assumed management responsibility of Belleayre Ski Area in Highmount, New York. Belleayre was previously managed by DEC.

ORDA’s operations are overseen by a Board of Directors (“Board”). ORDA’s Board consists of the Commissioner of Environmental Conservation, the Commissioner of Empire State Development, the Commissioner of Parks, Recreation and Historic Preservation and nine members appointed by the Governor, by and with the advice and consent of the Senate. ORDA receives an annual operating appropriation from the general fund based on projected needs. Income of ORDA is exempt from taxation.

ORDA’s legislative mandate is to:

1. Institute a comprehensive, coordinated program of activities utilizing the Olympic facilities in and around Lake Placid, Gore Mountain Ski Center in North Creek, and Belleayre Mountain Ski Center in Highmount, in order to ensure optimum year-round use and enjoyment of these facilities to the economic and social benefit of the regions and to minimize the financial burden on state and local government by maximizing revenue opportunities.
2. Improve the physical fitness and recreational education of the people of New York and the United States.
3. Develop, implement and supervise a comprehensive, coordinated program for the management, promotion and scheduling of a wide range of national and international athletic training and competitive opportunities that maximize the utilization of the Olympic facilities.
4. Develop, construct, operate, manage and maintain facilities for the training and housing of amateur athletes in connection with the United States Olympic Committee’s training center program and ORDA’s conduct of national and international sports events.

**(b) Budget Process**

The creation of the 2023/2024 operational budget was especially challenging due to the continued pandemic and many other uncertainties including but not limited to rising fuel cost, supply chain issues and labor shortages.

During the summer of 2022 ORDA’s President & CEO, along with the Director of Finance, reviewed previous years’ actual revenue and expenses to project the next fiscal year’s budget.

Consideration was also made from input by the Director of Human Resources, for projected payroll and payroll added costs based on current and projected staffing levels.

Generally, in October of each year, the Division of the Budget (“DOB”) issues a letter (the “call letter”) to ORDA’s President & CEO requesting ORDA’s budget submission for the upcoming fiscal year. The call letter

specifies budget directives and the filing due date. As a public benefit corporation of the State, ORDA's fiscal year aligns with the State and the data presented is in accordance with the guidelines provided by the DOB.

The budget process will end with an appropriation request to the Director of the Budget on the prescribed date of the call letter and then uploading the proposed 2023/2024 budget to the Public Authorities Reporting Information System at the end of the calendar year.

The Proposed 2023/2024 Budget and 2022-2027 Financial Plan relies on data and projections developed through the following timeframe:

- During July/August – develop preliminary budget forecasts, including revenue and expenses, preliminary operations and maintenance, and capital expense targets.
- During September – Review ORDA's Proposed Budget and Financial Plan with the Executive Committee.
- During September/October – make ORDA's Proposed Budget and Financial Plan available for public inspection at five convenient locations and on ORDA's website.
- During November/December – seek authorization from ORDA's Board of Directors to approve the Final Budget and Financial Plan; submit the information to the State Comptroller's Office; and make the approved document available for public inspection at five convenient locations and on ORDA's website.

(c) **Budget Assumptions**

**ORDA Revenue and Expenses**

ORDA generates approximately 70% of its revenue from its operations, with the other 30% coming from New York State operating appropriations combined with funds from the Town of North Elba. Operational revenue is extremely hard to forecast as so much of it is dependent upon the weather and economy.

The projected staffing level is determined by evaluating the employee headcount during the current fiscal year and forecasting future headcounts based upon anticipated organizational needs. Payroll added costs are also projected based on the headcount. The impact of the pandemic was taken into consideration.

The basis of the budget is presented on an accrual basis.

**Investment Income**

Investment of ORDA's funds is administered in accordance with ORDA's investment guidelines. These guidelines comply with the New York State Comptroller's investment guidelines for public authorities and were adopted pursuant to Section 2925 of the New York Public Authorities Law.

(d) **Self-Assessment of Budgetary Risks**

Set forth below is a summary of certain risks associated with ORDA's assets and operations. The following discussion of risks is intended only as a partial list and does not purport to identify all of the risk factors that may affect ORDA's assets and operations. Any one or more of the factors discussed and others could adversely affect ORDA's operations, assets, revenues and expenses to an extent that cannot be determined at this time.

- **Climate Change** – As part of the Climate Leadership and Community Protection Act initiatives, ORDA engages in regular vulnerability assessments to identify climate change-related risks to its assets and services. The climate change vulnerability assessment is meant to be an initial qualitative assessment of

climate change impacts to ORDA's assets, operations, and overall mission. Recognizing the effects that climate change has had and will continue to have on the Northeast's winter recreation and its core assets, ORDA has incorporated climate change into its decision-making at the operational, planning, and executive levels. Through its budget planning, ORDA has invested in high-efficiency snowmaking, hybrid maintenance equipment, dedicated solar arrays, modernized building systems, updated refrigeration for ice rinks and electric car charging stations. ORDA has adapted some of its existing infrastructure and equipment to offer more year-round activities, maximize venue use, support regional tourism, and advance economic development efforts in surrounding areas.

- **Other Business Risks**

- Industry Transformation – Through its strategic planning and risk management processes, ORDA regularly evaluates its mission, objectives, and customer needs and seeks to appropriately position ORDA to effectively meet the challenges of the transforming winter sport and tourism industry through implementation of initiatives such as long-term asset management strategy and a suite of customer solutions including new/modified facilities, technology, and product offerings. The impact on ORDA operations of any such industry transformation is not presently predictable.  
Workforce – Like many other industries, the winter sport and tourism sector is realizing increased competition for, and a general shortage of talent in high skilled areas. This trend is expected to continue and be further impacted by transformations in the industry where new technologies are being developed and deployed. ORDA recognizes the uncertainty associated with attracting and retaining staff with the skills and competencies needed to meet stated objectives and regularly evaluates and positions its recruiting, talent development, and benefits programs accordingly.
- Physical and Cyber Security – ORDA constantly assesses the nature of the physical and cyber security risks and adjusts its resources to best anticipate and respond to any threats. Investments to harden both physical and cyber assets and their related infrastructure are continually needed to minimize potential adverse impacts to protect ORDA and customer information.
- Catastrophic Natural Events – A catastrophic natural event such as severe weather or flooding can negatively affect the operability of ORDA assets and facilities. ORDA regularly evaluates the resiliency of its assets and facilities. In addition, ORDA annually develops and implements disaster planning programs through its Emergency Management and Operations Plan. This plan is based on the specific, unique natural threats at each of its facilities. ORDA regularly conducts drills and exercises in order to ensure advance preparation for these types of events. ORDA maintains close working relationships with local first responders and government agencies to ensure its ongoing preparedness.
- Occupational Health and Workforce Safety – ORDA and its employees are exposed to a variety of health and safety risks. The health and safety of ORDA's workforce, customers, and contractors is of the highest priority to ORDA. ORDA has put in place multiple levels of controls, policies, procedures, and training programs in support of reducing and/or eliminating health and safety incidents. The impacts of the pandemic on ORDA's operations and financial condition is not presently predictable or quantifiable. To mitigate these risks, ORDA works closely with the Department of Health and other local and county health departments to ensure its ongoing preparedness and responsiveness.
- Litigation Risk – Actions or claims against ORDA include those arising out of negligence, personal injury, breach of contract, employment and other matters. Pursuant to Public Authorities Law § 2622 (4), all actions or claims against ORDA to recover damages for injuries to property or for personal injury arising out of the operation of its facilities is exclusive to the New York State Court of Claims. Payment of awards or judgments for such claims are made by the State of New York in accordance with section 20 of the Court of Claims Act. All other claims will, in the opinion of ORDA, and through representation by outside counsel hired by ORDA, be disposed of within the

amounts of ORDA's insurance coverage, where applicable, or the amount which ORDA has available therefore and without any material adverse effect on the business of ORDA.

- **Regulatory Risks** – Congressional and regulatory action for the increased regulation of air, water and contaminants is periodically considered, and there are potential legislative and regulatory proposals which may affect ORDA in the future. The impact on ORDA operations of any such proposals is not presently predictable or quantifiable.

(e) **Revised Forecast of Current Year's Budget**

Once the Operation Budget is approved it is not revised as the year progresses. During the year actual vs budget is constantly reviewed and analyzed.

The Capital Budget is frequently reviewed, and adjustments made as various projects transition from start to finish.

(f) **Reconciliation of Current Year's Budget and Revised Forecast**

Once the Operation Budget is approved it is not revised as the year progresses. All actual revenue and expenses are reviewed to develop and modify upcoming budgets.

The Capital Budget is frequently reviewed, and adjustments made as various projects transition from start to finish.

(g) **Statement of Previous Year's Financial Performance**

|  | <b>Last Year<br/>Actual<br/>2021/2022</b> | <b>Last Year<br/>Budget<br/>2021/2022</b> | <b>Variance</b> |
|--|---|---|-----------------|
| <b>Revenue &amp; Financial Sources</b>   |   |   |                 |
| Operating Revenues   |   |   |                 |
| Charges for Services   | \$40,478,500                              | \$33,067,142                              | \$7,411,358     |
| Rentals & Financing Income   | \$1,109,242                               | \$205,110                                 | \$904,132       |
| Other Operating Revenues   | \$4,991,355                               | \$7,237,595                               | (\$2,246,241)   |
| Non-Operating Revenues   |   |   |                 |
| Investment Earnings  | \$31                                      | \$25                                      | \$6             |
| State Subsidies / Grants   | \$14,940,000                              | \$14,940,000                              | \$0             |
| Federal Subsidies / Grants   |   |   |                 |
| Municipal Subsidies / Grants   | \$750,000                                 | \$750,000                                 | \$0             |
| Public Authority Subsidies   |   |   |                 |
| Other Non-Operating Revenues   | \$648,233                                 | \$700,153                                 | (\$51,920)      |
| Proceeds from the Issuance of Debt   |   |   |                 |
| Total Revenues & Financing Sources   | \$62,917,361                              | \$56,900,025                              | \$6,017,336     |
| <b>Expenditures</b>  |   |   |                 |
| Operating Expenditures   |   |   |                 |
| Salaries and Wages   | \$22,508,651                              | \$25,929,389                              | (\$3,420,738)   |
| Other Employee Benefits  | \$13,171,286                              | \$17,465,798                              | (\$4,294,512)   |
| Professional Services Contracts  | \$209,636                                 | \$181,755                                 | \$27,881        |
| Supplies and Materials   | \$3,964,266                               | \$2,797,474                               | \$1,166,792     |
| Other Operating Expenditures   | \$12,524,059                              | \$12,890,771                              | (\$366,712)     |
| Non-Operating Expenditures   |   |   |                 |
| Payment of Principal on Bonds and<br>Financing Arrangements                    | \$254,838                                 | \$254,838                                 | \$0             |
| Interest and other Financing Charges   | \$117,507                                 | \$375,000                                 | (\$257,493)     |
| Subsidies to Other Public Authorities  |   |   |                 |
| Capital Asset Outlay   | \$104,745,162                             | \$105,000,000                             | (\$254,838)     |
| Grants and Donations   |   |   |                 |
| Other Non-Operating Expenditures   |   |   |                 |
| Total Expenditures   | \$157,495,406                             | \$164,895,025                             | (\$7,399,619)   |
| Capital Contributions  | \$105,000,000                             | \$105,000,000                             | \$0             |
| Excess (Deficiency) of Revenues and Capital<br>Contributions Over Expenditures | \$10,421,955                              | (\$2,995,000)                             | \$13,416,955    |

The 2021/2022 fiscal year was one of the most successful years in history. ORDA grew revenue, made smart investments in its facilities, developed new businesses opportunities, and paid off its debts. The pandemic, as well as labor and supply chain shortages, presented several challenges to these successes. However, the excellence of the ORDA staff made the organization's record-breaking accomplishments possible.

(h) **Employee Data – number of employees, full-time, FTEs and functional classification**

|                       | 2023-2024  | 2024-2025  | 2025-2026  | 2026-2027  |
|-----------------------|------------|------------|------------|------------|
| Executive Management  | 11         | 11         | 11         | 11         |
| Marketing/Sales       | 20         | 20         | 20         | 20         |
| Finance               | 9          | 9          | 9          | 9          |
| Other Admin           | 74         | 74         | 74         | 74         |
| Venue Ops (projected) | 470        | 470        | 470        | 470        |
| <b>Total FTE</b>      | <b>584</b> | <b>584</b> | <b>584</b> | <b>584</b> |

(i) **Gap-Closing Initiatives – revenue enhancements or cost-reduction initiatives**

ORDA continues to seek revenue streams that are favorable to the bottom line. ORDA continues to monitor operating expenses to manage cash outflows. ORDA has invested in solar arrays at both Gore Mountain and Whiteface Mountain, delivering clean energy that offsets the resorts' electric needs. ORDA has made a strong commitment to modernizing the snowmaking fleets with high-efficiency guns, system monitoring, motors with variable drives, and new energy-saving technologies. This means ORDA is making more snow in less time, using less energy. ORDA has invested in reloadable RFID technology and a robust e-commerce platform. This allows guests hassle-free ticketing in advance online, with no waste. The RFID media lasts for years, offering convenient direct-to-lift access winter after winter. New improvements at the facilities have allowed ORDA to expand year-round operations, thereby extending its revenue opportunities.

(j) **Material Non-Recurring Resources – source and amount**

There are no material non-recurring resources expected in the 2022-2027 period.

(k) **Shift in Material Resources**

There are no anticipated shifts in material resources from one year to another.

(l) **Debt Service**

ORDA does not issue debt.

During the fiscal year ended March 31, 2022 ORDA saw an improvement in cash flow and made it a priority to pay down its debt to zero. This will be a savings in future years of interest and finance charges. Also, due to better cash flow ORDA also was able to pay some large annual invoices in full, rather than in installments, again saving on interest and finance charges.

Below is the balance of outstanding debt currently and projected operational debt through March 31, 2027:

NYS ORDA  
Principal ONLY Balances  
(does not include interest)

|                                       | Actual       | Actual    | Projected Balance |           |           |           |           |
|---------------------------------------|--------------|-----------|-------------------|-----------|-----------|-----------|-----------|
|                                       | 3/31/2021    | 3/31/2022 | 3/31/2023         | 3/31/2024 | 3/31/2025 | 3/31/2026 | 3/31/2027 |
| <b>NYPA</b>                           | \$2,474,650  | \$0       | \$0               | \$0       | \$0       | \$0       | \$0       |
| <b>Office of General Services</b>     | \$2,972,731  | \$0       | \$0               | \$0       | \$0       | \$0       | \$0       |
| <b>Key Bank Line of Credit</b>        | \$4,400,000  | \$0       | \$0               | \$0       | \$0       | \$0       | \$0       |
| <b>Key Government Finance, Inc</b>    | \$745,007    | \$0       | \$0               | \$0       | \$0       | \$0       | \$0       |
| <b>NYS Retirement</b>                 |              |           |                   |           |           |           |           |
| Deferred Principal payments 2013-2016 | \$899,866    | \$0       | \$0               | \$0       | \$0       | \$0       | \$0       |
|                                       | \$11,492,253 | \$0       | \$0               | \$0       | \$0       | \$0       | \$0       |

**(m) Capital Commitments and Sources Funding**

ORDA’s plan for its Maintenance and Improvements of Existing Facilities is currently planned to remain consistent at \$12.5M each year. These funds will target Health & Safety, Environmental Stewardship, Revenue Enhancement, Technology and Efficiencies.

ORDA’s plan for its New Capital presently calls for a reduction from the 2022/2023 funding of \$92.5M to \$67.5M in years 2024/2025, 2025/2026 and 2026/2027. These funds will be invested in lifts, snowmaking, electrical & building infrastructure, year-round operational infrastructure and economic development opportunities.

ORDA has grown significantly in recent years, both in its scope of operations and in the increased value of its assets. The last seven years of ORDA's total insured values are listed below, representing a 93% increase during that period. A review of the proposed capital budgets is recommended to ensure that they reflect ORDA's current and future needs for proper maintenance of its infrastructure and the organization's continued evolution in technology, sustainability, and the guest and athlete experience.

| Fiscal Year | ORDA's Total Insured Value |
|-------------|----------------------------|
| 2016-2017   | \$240,927,055              |
| 2017-2018   | \$241,767,225              |
| 2018-2019   | \$257,165,513              |
| 2019-2020   | \$256,198,336              |
| 2020-2021   | \$365,322,690              |
| 2021-2022   | \$418,839,573              |
| 2022-2023   | \$462,983,525              |

DRAFT



**NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY**

**Resolution # 475**

**RESOLUTION COMMITTING CAPITAL AND AUTHORIZING THE PRESIDENT & CEO TO ENTER INTO CONTRACT AMENDMENTS FOR BUILDINGS & INFRASTRUCTURE IMPROVEMENTS AT MT. VAN HOEVENBERG**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (“ORDA”) held on December 19, 2022, the Board Chair offered the following resolution:

**WHEREAS**, on April 18, 2022, the ORDA Board of Directors approved Resolution # 448 titled “Resolution Committing Capital and Granting Approval for the President & CEO to Enter into Agreements for Buildings & Infrastructure Improvements at Mt. Van Hoevenberg” (the “Project”); and

**WHEREAS**, the anticipated cost of the Project was \$4,500,000.00; and

**WHEREAS**, the scope of the Project included suction line improvements and dam upgrades for the North Meadow Brook Pump Station, the renovation of the existing Bobsled Storage Building to convert it into a Staff Office Building, and the renovation of the existing Warehouse Building to convert it into a vehicle maintenance garage facility; and

**WHEREAS**, during the letting of the contracts inflationary impacts increased Project costs, and changed conditions were encountered during the performance of the work, which required the performance of additional and extra work and further increased the cost of the Project; and

**WHEREAS**, the increase in the Project cost is anticipated not to exceed \$800,000.00; and

**WHEREAS**, the President & CEO has requested that the Board commit the requisite capital for the increased Project cost; 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 contract amendments to ensure timely completion of the Project;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors hereby authorizes the President & CEO to invest the necessary capital for expenses related to the Project as is described more fully herein, including, but not limited to, the authority to enter into contract amendments whether or not any contract amendment exceeds \$250,000.00; and

**BE IT FURTHER RESOLVED** that the Board of Directors hereby authorizes the President & CEO to enter into the necessary contract amendments upon the terms and amounts provided for herein.

**SO RESOLVED,**

MOVED BY: Betty Little

SECONDED BY: Diane Munro

and

ADOPTED BY the following vote:

| In Favor:              | Excused/Abstained: | Against: |
|------------------------|--------------------|----------|
| <u>Joe Martens</u>     | _____              | _____    |
| <u>Cliff Donaldson</u> | _____              | _____    |
| <u>Steve Hunt</u>      | _____              | _____    |
| <u>Betty Little</u>    | _____              | _____    |
| <u>Art Lussi</u>       | _____              | _____    |
| <u>Diane Munro</u>     | _____              | _____    |
| <u>Chris Pushkarsh</u> | _____              | _____    |
| <u>Jeff Stefanko</u>   | _____              | _____    |
| <u>Elinor Tatum</u>    | _____              | _____    |
| _____                  | _____              | _____    |
| _____                  | _____              | _____    |
| _____                  | _____              | _____    |

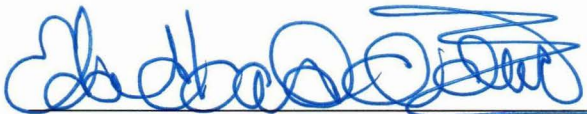
Renee Fitzgerald, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 475 was duly passed by the Board of Directors on December 19, 2022.

Signature 

Title: Secretary to the Board of Directors

Sworn before me this 20<sup>th</sup> day of December, 2022.

  
\_\_\_\_\_  
Notary Public, State of New York

EDWARD KOWALEWSKI, JR.  
Notary Public, State of New York  
No. 02KO4982911  
Qualified in Saratoga County  
Commission Expires June 10, 2023



NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

Resolution # 476

**RESOLUTION COMMITTING CAPITAL AND AUTHORIZING THE PRESIDENT & CEO TO ENTER INTO AN AGREEMENT FOR THE PURCHASE OF REPLACEMENT HAUL ROPE FOR THE CLOUDSPLITTER GONDOLA AT WHITEFACE MOUNTAIN**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (“ORDA”) held on December 19, 2022, the Board Chair offered the following resolution:

**WHEREAS**, ORDA desires to enter into a proposed Agreement that calls for the purchase of replacement haul rope and associated parts for the Cloudsplitter Gondola at Whiteface Mountain (“Haul Rope”) from Doppelmayr USA, Inc. (the “Agreement”); and

**WHEREAS**, Doppelmayr USA, Inc. is the manufacturer of the Cloudsplitter Gondola and the only source for replacement parts; and

**WHEREAS**, the purchase of the Haul Rope due to excessive lead time and shipping logistics will allow for scheduling of its installation to provide improved reliability and ease of maintenance for years to come and 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**, pursuant to the terms of the Agreement, the total lump sum value of the Haul Rope plus shipping will be \$437,633.70; and

**WHEREAS**, the President & CEO has requested that the Authority commit the requisite capital for the purchase, shipping, and unloading of the Haul Rope so as to enable entry into the Agreement; 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 Agreement;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors hereby authorizes the expenditure of funds and commits the capital for purchase, shipping and unloading of the Haul Rope as is described more fully herein; and

**BE IT FURTHER RESOLVED** that the Board of Directors hereby authorizes the President & CEO to enter into the Agreement upon the terms and amounts provided for herein.

**SO RESOLVED,**

MOVED BY: Art Lussi

SECONDED BY: Steve Hunt

and

ADOPTED BY the following vote:

| In Favor:       | Excused/Abstained: | Against: |
|-----------------|--------------------|----------|
| Joe Martens     |                    |          |
| Cliff Donaldson |                    |          |
| Steve Hunt      |                    |          |
| Betty Little    |                    |          |
| Art Lussi       |                    |          |
| Diane Munro     |                    |          |
| Chris Pushkarsh |                    |          |
| Jeff Stefanko   |                    |          |
| Elinor Tatum    |                    |          |
|                 |                    |          |
|                 |                    |          |
|                 |                    |          |

Renee Fitzgerald, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 476 was duly passed by the Board of Directors on December 19, 2022.

Signature 

Title: Secretary to the Board of Directors

Sworn before me this 20<sup>th</sup> day of December, 2022.



Notary Public, State of New York

EDWARD KOWALEWSKI, JR.  
Notary Public, State of New York  
No. 02KO4982911  
Qualified in Saratoga County  
Commission Expires June 10, 2023



**NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY**

**Resolution # 477**

**RESOLUTION COMMITTING CAPITAL AND APPROVING PURCHASE OF GORE  
SOLAR FACILITIES**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on December 19, 2022, the Chair offered the following resolution:

**WHEREAS**, pursuant to Executive Order 4, issued on April 24, 2008, as supplanted by Executive Order 22, issued on September 20, 2022, ORDA has been and continues to be committed to reducing its greenhouse gas emissions in support of the State of New York's pursuit of environmental quality, sound public health, economic prosperity, and social well-being; and

**WHEREAS**, in January of 2016 ORDA entered into two separate power purchase agreements (PPAs), which provided for ORDA's purchase of all of the electric energy generated by two newly constructed solar facilities located in Whitehall, New York (Gore Solar Facilities), and the facilitation of interconnection service agreements with National Grid to provide for the metering of the electric energy generated by the Gore Solar Facilities for the purpose of issuing remote credits to be applied to the monthly electricity invoices of Gore Mountain; and

**WHEREAS**, Gore Mountain and Whitehall, New York, are in the same utility zone such that the Gore Solar Facilities contribute clean energy to the utility zone and allow Gore Mountain to offset its electricity expenses; and

**WHEREAS**, the Gore Solar Facilities began commercial operation on August 31, 2016 (Commercial Operation Date); and

**WHEREAS**, the benefits derived from the PPAs have proven to be economically, environmentally, and socially beneficial; and

**WHEREAS**, the PPAs provide ORDA with the option to purchase the Gore Solar Facilities on the seventh (7<sup>th</sup>), tenth (10<sup>th</sup>), and fifteenth (15<sup>th</sup>) anniversary of the Commercial Operation Date, provided that ORDA gives written notice of the exercise of the option to purchase not less than one hundred eighty (180) days before the applicable anniversary of the Commercial Operation Date; and

**WHEREAS**, the seventh (7<sup>th</sup>) anniversary of the Commercial Operation Date is August 31, 2023, such that ORDA is required to give written notice of the exercise of the option to purchase by no later than March 3, 2023; and

**WHEREAS**, the Purchase Price to be paid upon the exercise of the option to purchase is set forth in the PPAs which provides that the price shall be equal to the greater of the fair market value of Gore Solar Facilities and \$11,312,567.00 - the option purchase price set forth in the PPAs; and

**WHEREAS**, ORDA has determined that the fair market value of the Gore Solar Facilities will not exceed the option purchase price of \$11,312,567.00; and

**WHEREAS**, the purchase of the Gore Solar Facilities will provide both short-term and long-term economic benefits to ORDA’s operating budget; and

**WHEREAS**, the President & CEO has requested that the Authority commit the requisite capital for the purchase of the Gore Solar Facilities in accordance with the applicable provisions of the PPAs; 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 agreements necessary to facilitate the purchase of the Gore Solar Facilities;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors hereby authorizes the expenditure of funds and commits the capital for purchase of the Gore Solar Facilities as is described more fully herein; and

**BE IT FURTHER RESOLVED** that the Board of Directors hereby authorizes the President & CEO to exercise the option to purchase the Gore Solar Facilities and to enter into the agreements necessary to facilitate the purchase upon the terms and amounts provided for herein and as set forth in the PPAs.

**SO RESOLVED,**

MOVED BY: Cliff Donaldson

SECONDED BY: Steve Hunt

and

ADOPTED BY the following vote:

| In Favor:       | Excused/Abstained: | Against: |
|-----------------|--------------------|----------|
| Joe Martens     | _____              | _____    |
| Cliff Donaldson | _____              | _____    |
| Steve Hunt      | _____              | _____    |
| Betty Little    | _____              | _____    |
| Art Lussi       | _____              | _____    |
| Diane Munro     | _____              | _____    |
| Chris Pushkarsh | _____              | _____    |
| Jeff Stefanko   | _____              | _____    |
| Elinor Tatum    | _____              | _____    |
| _____           | _____              | _____    |
| _____           | _____              | _____    |
| _____           | _____              | _____    |

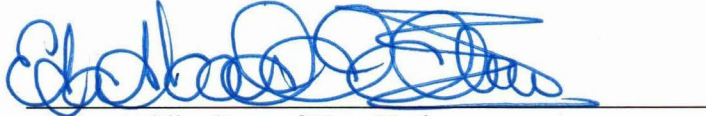
Renee Fitzgerald, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 477 was duly passed by the Board of Directors on December 19, 2022.

Signature

Title: Secretary to the Board of Directors

Sworn before me this 20<sup>th</sup> day of December, 2022.



Notary Public, State of New York

EDWARD KOWALEWSKI, JR.  
Notary Public, State of New York  
No. 02KO4982911  
Qualified in Saratoga County  
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