

CHRISTOPHER CANADA AND CHARLES MALCOMB APPOINTED AS CO-CHAIRS OF HODGSON RUSS PUBLIC AUTHORITY PRACTICE

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Recently named as co-chairs of the Public Authority Practice at Hodgson Russ LLP, Christopher Canada and Charles Malcomb lead a diverse team adept at assisting public authorities in navigating the myriad of complex issues faced in carrying out their missions.

Public authorities have long served as essential providers of governmental services and economic development in New York State. Running the gamut from roads, bridges, and airports to transit, solid waste, utilities and power generation to businesses in your community, public authorities serve as the backbone of both essential infrastructure and economic development – often in a manner that goes unnoticed.

“It’s easy to take for granted the critical services provided by public authorities across New York State,” said Christopher Canada, practice co-chair. “However, as wide-ranging as the community benefits provided by public authorities are, so too are the complex statutes and regulations that pertain to their operations, governance and economics. When you work as closely with public authorities as our team regularly does, you gain a genuine appreciation for how important these entities are to our everyday lives.”

For decades, Hodgson Russ has acted as a trusted advisor to public authorities across New York State, serving as agency counsel, bond counsel, corporate counsel and litigation counsel. In such roles, the firm’s attorneys have guided financings, drafted policies and assisted in nearly every aspect of public authority legal compliance – including successfully litigating on their behalf. Services provided by the firm include agency governance, public finance, bidding and contracting, regulatory compliance and oversight, negotiation and preparation of contracts, litigation, project management, ethics and conflicts guidance and labor and employment matters.

“A regulatory or statutory change relating to public authorities has a ripple effect across the spectrum of services they provide – as well as often imposing an additional layer of compliance on their staffs,” Canada said. “Given the level of scrutiny faced by public authorities from the Authorities Budget Office and the Comptroller’s

Attorneys

Christopher Canada

Charles Malcomb

Practices & Industries

Public Authority

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Office today, the depth of our experience and the practical insights gained over the years make our attorneys uniquely suited to assist public authorities in navigating what can often be treacherous waters.”

Public authority clients include industrial development agencies, transit authorities, energy-related authorities, state and regional development authorities, international bridge commissions and other unique entities. Recent Hodgson Russ accomplishments in the public authority space include:

- obtaining a reversal from the Court of Appeals on behalf of an industrial development agency, limiting the agency’s liability for actions on an agency project,
- guiding public authority review on dozens of renewable energy projects, including some of the largest projects in the Northeast,
- defended an industrial development agency in a precedent setting case establishing the agency’s authority to deny benefits for a project,
- defense of a public housing authority in a contractor lawsuit and pursuit of counterclaims,
- advising public authorities on prevailing wage and Buy American requirements,
- guiding the establishment of multiple public authorities from drafting enabling legislation through creation of governing documents, negotiating contracts, and securing financing,
- assisting an IDA in obtaining a former GE building and its reuse by local manufacturer, and
- negotiating a public-private partnership for a transportation authority bus garage.

“These examples illustrate a small sampling of the varied types of expertise needed to effectively serve public authority clients,” said Charles Malcomb, practice co-chair. “As the regulatory structure continues to evolve, so have our skill sets as we help clients plan for the future. Hodgson Russ has a deep bench of attorneys who’ve practiced in this space for decades and mentor our strong group of younger associates who add new perspectives to the work being done in this area. The combination of knowledge, experience and innovative thinking is what sets us apart. ”

To learn more about our Public Authority team and experience, visit <https://www.hodgsonruss.com/practices-1778.html>.

About Christopher Canada – Albany, NY and Saratoga Springs, NY Offices

Chris has focused his practice on public finance law since graduating from law school in 2001. He frequently acts as counsel to industrial development agencies (IDAs) and local development corporations throughout New York State. He counsels IDAs on a myriad of projects in connection with the granting of exemptions from real property taxes, sales and use taxes and mortgage recording tax, including commercial, manufacturing and renewable energy (wind and solar) projects. Chris routinely advises industrial development agencies on compliance with the requirements of the General Municipal Law, the Public Authorities Accountability Act of 2005 (PAAA) and the Public Authorities Reform Act of 2009 (PARA), including inquiries by the New York State Authorities Budget Office (ABO), and he has extensive experience acting as bond counsel to local development corporations and public authorities across New York State on tax-exempt and taxable revenue bond financings. His practice includes a strong focus on the federal tax laws and regulations pertaining to tax-

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exempt bonds, with particular emphasis on arbitrage, private use questions and post-issuance compliance.

About Charles Malcomb – Buffalo, NY Office

Chuck specializes in environmental law, energy law, land-use law, municipal law, and real estate development. He has experience working with both private and public clients on issues involving both state and federal environmental statutes, and he assists municipalities with a wide range of legal issues, including environmental review and zoning. A primary part of his work focuses on the State Environmental Quality Review Act (SEQRA) where he has extensive experience guiding municipalities and developers through its requirements. He has assisted in drafting scoping documents, environmental impact statements, findings statements, decisions, and guiding public review. Chuck also counsels clients on local, state, and federal permitting processes, including compliance with historic preservation laws and other federal environmental statutes and regulations. As part of his municipal practice, Chuck serves as the attorney for an upstate New York municipality addressing the full-range of general municipal issues and regularly counsels municipal clients on leasing, ethics, environmental matters, zoning, assessment, eminent domain, and procurement.

About Hodgson Russ LLP

Hodgson Russ attorneys facilitate the U.S. legal aspects of transactions around the world. The firm practices in numerous significant areas of law and uses multidisciplinary work teams to serve the specific, often complex, needs of clients, which include public and privately held businesses, governmental entities, nonprofit institutions, and individuals. Hodgson Russ has offices in Albany, Buffalo, Hackensack, New York City, Palm Beach, Rochester, Saratoga Springs and Toronto. To learn more, visit www.hodgsonruss.com.

