

5876

2009-2010 Regular Sessions

I N S E N A T E

June 15, 2009

Introduced by Sen. PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public authorities law, in relation to the membership of the New York city water board; and to repeal certain provisions of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 2 of section 1045-f of the public authorities
2 law is REPEALED and a new subdivision 2 is added to read as follows:
3 2. A. THE WATER BOARD SHALL CONSIST OF SEVEN MEMBERS TO BE APPOINTED,
4 AS FOLLOWS:
5 (I) FOUR MEMBERS APPOINTED BY THE MAYOR;
6 (II) ONE MEMBER APPOINTED BY THE NEW YORK CITY COMPTROLLER;
7 (III) ONE MEMBER APPOINTED BY THE PUBLIC ADVOCATE FOR THE CITY OF NEW
8 YORK; AND
9 (IV) ONE MEMBER APPOINTED BY THE SPEAKER OF THE NEW YORK CITY COUNCIL.
10 B. TERMS OF OFFICE OF THE MEMBERS SHALL BE TWO YEARS. AT LEAST ONE
11 MEMBER APPOINTED BY THE MAYOR SHALL HAVE EXPERIENCE IN THE SCIENCE OF
12 WATER RESOURCE DEVELOPMENT. NO MEMBER SHALL BE A DIRECTOR OF THE AUTHOR-
13 ITY. THE CHAIRMAN SHALL BE ELECTED BY MAJORITY VOTE OF THE MEMBERS OF
14 THE BOARD. ALL MEMBERS SHALL CONTINUE TO HOLD OFFICE UNTIL THEIR SUCCE-
15 SORS ARE APPOINTED AND QUALIFIED. VACANCIES SHALL BE FILLED IN THE
16 MANNER PROVIDED FOR ORIGINAL APPOINTMENTS. VACANCIES, OCCURRING OTHER-
17 WISE THAN BY EXPIRATION OF TERM OF OFFICE, SHALL BE FILLED IN THE SAME
18 MANNER AS ORIGINAL APPOINTMENTS FOR THE UNEXPIRED TERMS.
19 S 2. Subdivisions 3, 4, 5 and 7 of section 1045-f of the public
20 authorities law, as added by chapter 513 of the laws of 1984, are
21 amended to read as follows:
22 3. Each member of the water board shall be entitled to reimbursement
23 for his OR HER actual and necessary expenses incurred in the performance
24 of his OR HER official duties and a per diem allowance of one hundred

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 fifty dollars when rendering service as a member; provided that the
2 aggregate of such per diem allowance to any one member in any one fiscal
3 year of the board shall not exceed the sum of five thousand dollars.

4 4. Notwithstanding any inconsistent provision of law, general, special
5 or local, or any city charter, no officer or employee of the city shall
6 be deemed to have forfeited or shall forfeit his office or employment or
7 any benefits provided under the retirement and social security law, by
8 reason of his OR HER acceptance of membership on the water board,
9 provided, however, that a member of the board who holds other public
10 office or employment shall receive no additional compensation for
11 services rendered pursuant to this title, but shall be entitled to
12 reimbursement for his OR HER actual and necessary expenses incurred in
13 the performance of such services.

14 5. The [mayor] APPOINTING AUTHORITY may remove [any member] HIS OR HER
15 APPOINTEE for inefficiency, neglect of duty or misconduct in office
16 after giving such member a copy of the charges against such member and
17 an opportunity to be heard and defended, in person or by counsel, upon
18 not less than ten days' notice. If any member shall be so removed, the
19 [mayor] APPOINTING AUTHORITY shall file in the office of the clerk of
20 the city a complete statement of charges against such member, and the
21 [mayor's] APPOINTING AUTHORITY'S findings thereon, together with a
22 complete record of the proceedings.

23 7. A majority of the members of the water board shall constitute a
24 quorum for the transaction of any business or the exercise of any power
25 of the board. The water board shall have power to act by the affirmative
26 vote of not less than a majority of the members in office at any duly
27 held meeting thereof. The water board may delegate to one or more of its
28 members or its officers, agents and employees, such powers and duties as
29 it may deem proper. Any member who is an officer of the city may, by
30 written instrument, filed with and approved as to form by the board,
31 designate another city officer to perform in [his] THE MEMBER'S absence
32 his OR HER duties under this title. The term "member" as used in this
33 section shall include such persons so designated as provided herein.
34 The designation of any such person shall be deemed temporary only and
35 shall not affect the civil service or retirement rights of the person so
36 designated.

37 S 3. This act shall take effect immediately, provided that the first
38 three vacancies after the effective date of this act shall be filled by
39 the New York city comptroller, the public advocate for the city of New
40 York and the speaker of the New York city council, respectively, pursu-
41 ant to section one of this act.