

3342

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 24, 2011

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Introduced by M. of A. BRENNAN, MILLMAN, ABBATE, COLTON, CRESPO, LANCMAN, MAISEL, PERRY, COOK, JAFFEE -- Multi-Sponsored by -- M. of A. CAMARA, CASTRO, GIBSON, GLICK, GOTTFRIED, HIKIND, MARKEY, MENG, PHEFFER, WEISENBERG -- read once and referred to the Committee on Corporations, Authorities and Commissions

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2 law is REPEALED and a new subdivision 2 is added to read as follows:  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:

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

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1 3. Each member of the water board shall be entitled to reimbursement  
2 for his OR HER actual and necessary expenses incurred in the performance  
3 of his OR HER official duties and a per diem allowance of one hundred  
4 fifty dollars when rendering service as a member; provided that the  
5 aggregate of such per diem allowance to any one member in any one fiscal  
6 year of the board shall not exceed the sum of five thousand dollars.

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

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

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

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