S T A T E O F N E W Y O R K

4168

2013-2014 Regular Sessions

I N S E N A T E

March 12, 2013

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to creating the Sea Gate water and sewer authority; and in relation to creating the Sea Gate police department

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

Section 1. Article 5 of the public authorities law is amended by adding a new title 5-A to read as follows:

TITLE 5-A

SEA GATE WATER AND SEWER AUTHORITY

SECTION 1114. SHORT TITLE.
1114-A. DEFINITIONS.
1114-B. SEA GATE WATER AND SEWER DISTRICT.
1114-C. SEA GATE WATER AND SEWER AUTHORITY.
1114-D. POWERS OF THE AUTHORITY.
1114-E. ADVANCES ON BEHALF OF THE AUTHORITY; TRANSFER OF PROPERTY TO AUTHORITY; ACQUISITION OF PROPERTY BY SEA GATE COMMUNITY FOR AUTHORITY.
1114-F. GOVERNMENTAL CAPACITY OF THE AUTHORITY AND MUNICIPALITIES.
1114-G. TRANSFER OF OFFICERS AND EMPLOYEES.
1114-H. BONDS OF THE AUTHORITY.
1114-I. REMEDIES OF BONDHOLDERS.
1114-J. STATE AND SEA GATE COMMUNITY NOT LIABLE ON AUTHORITY BONDS.
1114-K. MONEYS OF THE AUTHORITY.
1114-L. BONDS LEGAL INVESTMENTS FOR FIDUCIARIES.
1114-M. AGREEMENT OF THE STATE.
1114-N. EXEMPTION FROM TAXES, ASSESSMENTS AND CERTAIN FEES.

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

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1114-O. ACTIONS AGAINST AUTHORITY.
1114-P. CONTRACTS.
1114-Q. INTEREST IN CONTRACTS PROHIBITED.
1114-R. AUDIT AND ANNUAL REPORT.
1114-S. LIMITED LIABILITY.
1114-T. ENVIRONMENTAL APPLICATIONS, PROCEEDINGS, APPROVALS AND PERMITS.
1114-U. SEA GATE COMMUNITY MAY LEVY TAX WITHIN DISTRICT.
1114-V. AUTHORITY AND WATER BOARD TO TAKE AFFIRMATIVE ACTION.
1114-W. SEPARABILITY.
1114-X. EFFECT OF INCONSISTENT PROVISIONS.

S 1114. SHORT TITLE. THIS TITLE SHALL BE KNOWN AND MAY BE CITED AS THE "SEA GATE WATER AND SEWER AUTHORITY ACT".

S 1114-A. DEFINITIONS. AS USED OR REFERRED TO IN THIS TITLE, UNLESS A DIFFERENT MEANING CLEARLY APPEARS FROM THE CONTEXT:

1. "AUTHORITY" MEANS THE CORPORATION CREATED BY SECTION ONE THOUSAND ONE HUNDRED FOURTEEN-C OF THIS TITLE.

2. "BONDS" MEANS THE BONDS, NOTES OR OTHER EVIDENCES OF INDEBTEDNESS ISSUED BY THE AUTHORITY PURSUANT TO THIS TITLE, AND THE PROVISIONS OF THIS TITLE RELATING TO BONDS AND BONDHOLDERS SHALL APPLY WITH EQUAL FORCE AND EFFECT TO NOTES AND NOTEHOLDERS, RESPECTIVELY, UNLESS THE CONTEXT OTHERWISE CLEARLY REQUIRES.

3. "CIVIL SERVICE COMMISSION" MEANS THE STATE CIVIL SERVICE COMMISSION.

4. "COMPTROLLER" MEANS THE COMPTROLLER OF THE STATE.

5. "CONSTRUCTION" MEANS THE ACQUISITION, ERECTION, BUILDING, ALTERATION, IMPROVEMENT, INCREASE, ENLARGEMENT, EXTENSION, RECONSTRUCTION, RENOVATION OR REHABILITATION OF A WATER, SEWERAGE OR WATER AND SEWERAGE SYSTEM, AS THE CASE MAY BE; THE INSPECTION AND SUPERVISION THEREOF; AND THE ENGINEERING, ARCHITECTURAL, LEGAL, FISCAL AND ECONOMIC INVESTIGATIONS AND STUDIES, SURVEYS, DESIGNS, PLANS, WORKING DRAWINGS, SPECIFICATIONS, PROCEDURES AND OTHER ACTIONS PRELIMINARY OR INCIDENTAL THERETO.

6. "COST" AS APPLIED TO ANY PROJECT, INCLUDES THE COST OF CONSTRUCTION, THE COST OF THE ACQUISITION OF ALL PROPERTY, INCLUDING REAL PROPERTY AND OTHER PROPERTY, BOTH REAL AND PERSONAL AND IMPROVED AND UNIMPROVED, THE COST OF DEMOLISHING, REMOVING OR RELOCATING ANY BUILDINGS OR STRUCTURES ON LANDS SO ACQUIRED, INCLUDING THE COST OF ACQUIRING ANY LANDS TO WHICH SUCH BUILDINGS OR STRUCTURES MAY BE MOVED OR RELOCATED, THE COST OF ALL SYSTEMS, FACILITIES, MACHINERY, APPARATUS AND EQUIPMENT, FINANCING CHARGES, INTEREST PRIOR TO, DURING AND AFTER CONSTRUCTION TO THE EXTENT NOT PAID OR PROVIDED FOR FROM REVENUES OR OTHER SOURCES, THE COST OF ENGINEERING AND ARCHITECTURAL SURVEYS, PLANS AND SPECIFICATIONS, THE COST OF CONSULTANT AND LEGAL SERVICES, THE COST OF LEASE GUARANTEE OR BOND INSURANCE AND THE COST OF OTHER EXPENSES NECESSARY OR INCIDENTAL TO THE CONSTRUCTION OF SUCH PROJECT AND THE FINANCING OF THE CONSTRUCTION THEREOF, INCLUDING THE AMOUNT AUTHORIZED IN THE RESOLUTION OF THE AUTHORITY PROVIDING FOR THE ISSUANCE OF BONDS TO BE PAID INTO ANY RESERVE OR OTHER SPECIAL FUND FROM THE PROCEEDS OF SUCH BONDS AND THE FINANCING OF THE PLACING OF ANY PROJECT IN OPERATION, INCLUDING REIMBURSEMENT TO THE SEA GATE COMMUNITY, OR ANY MUNICIPALITY, STATE AGENCY, THE STATE, THE UNITED STATES GOVERNMENT, OR ANY OTHER PERSON FOR EXPENDITURES THAT WOULD BE COSTS OF THE PROJECT HEREUNDER HAD THEY BEEN MADE DIRECTLY BY THE AUTHORITY.

7. "SEA GATE COMMUNITY" MEANS THAT AREA OF THE CITY OF NEW YORK COMMONLY REFERRED TO AS THE COMMUNITY OF SEA GATE.

8. "CHIEF EXECUTIVE OFFICER" MEANS THE CHIEF EXECUTIVE OFFICER OF THE SEA GATE COMMUNITY.

9. "DISTRICT" MEANS THE SEA GATE WATER AND SEWER DISTRICT CREATED BY SECTION ONE THOUSAND ONE HUNDRED FOURTEEN-B OF THIS TITLE.

10. "DISTRIBUTION SYSTEM" MEANS THE WATER FACILITY OR FACILITIES EMPLOYED TO DELIVER WATER FROM A TRANSMISSION FACILITY, OR WHERE THERE IS NO TRANSMISSION FACILITY, FROM A SUPPLY FACILITY, TO THE ULTIMATE CONSUMERS OF SUCH WATER.

11. "GOVERNING BODY" MEANS THE MEMBERS OF THE AUTHORITY CONSTITUTING AND ACTING AS THE GOVERNING BODY OF THE AUTHORITY.

12. "MUNICIPALITY" MEANS ANY COUNTY, CITY, TOWN, VILLAGE, IMPROVEMENT DISTRICT UNDER THE TOWN LAW, ANY OTHER SUCH INSTRUMENTALITY, INCLUDING ANY AGENCY, OR PUBLIC CORPORATION OF THE STATE, OR ANY OF THE FOREGOING OR ANY COMBINATION THEREOF.

13. "PERSON" MEANS ANY NATURAL PERSON, PARTNERSHIP, ASSOCIATION, JOINT VENTURE OR CORPORATION, EXCLUSIVE OF A PUBLIC CORPORATION.

14. "PROJECT" MEANS ANY WATER FACILITY, SEWERAGE FACILITY OR WATER AND SEWERAGE FACILITY.

15. "PROPERTIES" MEANS THE WATER, SEWERAGE AND WATER AND SEWERAGE SYSTEM OR SYSTEMS OF THE AUTHORITY, WHETHER SITUATED WITHIN OR WITHOUT THE TERRITORIAL LIMITS OF THE DISTRICT, INCLUDING THE PLANTS, WORKS, STRUCTURES, INSTRUMENTALITIES OR PART THEREOF AND APPURTENANCES THERETO, REAL PROPERTY, WATER FACILITIES, SEWERAGE FACILITIES OR ANY OTHER PROPERTY INCIDENTAL TO AND INCLUDED IN SUCH SYSTEM OR SYSTEMS OR PART THEREOF, AND ANY IMPROVEMENTS, EXTENSIONS AND BETTERMENTS.

16. "REAL PROPERTY" MEANS LANDS, STRUCTURES, FRANCHISES, RIGHTS AND INTERESTS IN LAND, WATERS, LANDS UNDERWATER, RIPARIAN RIGHTS AND AIR RIGHTS AND ANY AND ALL THINGS AND RIGHTS INCLUDED WITHIN SAID TERM AND INCLUDES NOT ONLY FEES SIMPLE ABSOLUTE, BUT ALSO ANY AND ALL LESSER INTERESTS INCLUDING, BUT NOT LIMITED TO, EASEMENTS, RIGHTS-OF-WAY, USES, LEASES, LICENSES AND ALL OTHER INCORPOREAL HEREDITAMENTS AND EVERY ESTATE, INTEREST OR RIGHT, LEGAL OR EQUITABLE, INCLUDING TERMS FOR YEARS AND LIENS THEREON BY WAY OF JUDGMENTS, MORTGAGES OR OTHERWISE.

17. "REVENUES" MEANS ALL RATES, RENTS, FEES, CHARGES, PAYMENTS AND OTHER INCOME AND RECEIPTS DERIVED FROM THE OPERATION OF THE PROPERTIES OF THE AUTHORITY INCLUDING, WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, INVESTMENT PROCEEDS AND PROCEEDS OF INSURANCE, CONDEMNATION, AND SALE OR OTHER DISPOSITION OF ASSETS, TOGETHER WITH ALL FEDERAL, STATE OR MUNICIPAL AID.

18. "SEWAGE" MEANS THE WATER-CARRIED HUMAN OR ANIMAL WASTES FROM RESIDENCES, BUILDINGS, INDUSTRIAL ESTABLISHMENTS OR OTHER PLACES, TOGETHER WITH SUCH GROUNDWATER INFILTRATION AND SURFACE WATER AS MAY BE PRESENT. THE ADMIXTURE WITH SEWAGE OF INDUSTRIAL OR OTHER WASTE ALSO SHALL BE CONSIDERED "SEWAGE" WITHIN THE MEANING OF THIS TITLE.

19. "SEWERAGE FACILITY" OR "SEWERAGE FACILITIES" MEANS ANY PLANTS, STRUCTURES AND OTHER REAL AND PERSONAL PROPERTY ACQUIRED, REHABILITATED OR CONSTRUCTED OR PLANNED FOR THE PURPOSE OF COLLECTING, CONVEYING, PUMPING, TREATING, NEUTRALIZING, STORING AND DISPOSING OF SEWAGE, INCLUDING BUT NOT LIMITED TO MAIN, TRUNK, INTERCEPTING, CONNECTING, LATERAL, OUTLET OR OTHER SEWERS, OUTFALLS, PUMPING STATIONS, TREATMENT AND DISPOSAL PLANTS, GROUNDWATER RECHARGE BASINS, BACK-FLOW PREVENTION DEVICES, SLUDGE DEWATERING OR DISPOSAL EQUIPMENT AND FACILITIES, CLARIFIERS, FILTERS, PHOSPHORUS REMOVAL EQUIPMENT AND OTHER PLANTS, WORKS, STRUCTURES, EQUIPMENT, VEHICLES, CONVEYANCES, CONTRACT RIGHTS, FRANCHISES, APPROACHES, CONNECTIONS, PERMITS, REAL OR PERSONAL PROPERTY OR RIGHTS THEREIN AND APPURTENANCES THERETO NECESSARY OR USEFUL AND CONVEN-

IENT FOR THE COLLECTION, CONVEYANCE, PUMPING, TREATMENT, NEUTRALIZING, STORING AND DISPOSING OF SEWAGE.

20. "STATE" MEANS THE STATE OF NEW YORK.

21. "STATE AGENCY" MEANS ANY STATE OFFICER, PUBLIC BENEFIT CORPORATION, DEPARTMENT, BOARD, COMMISSION, BUREAU OR DIVISION, OR OTHER AGENCY OR INSTRUMENTALITY OF THE STATE.

22. "SUPPLY FACILITY" MEANS A WATER FACILITY EMPLOYED TO MAKE GROUNDWATER OR SURFACE WATER AVAILABLE FOR DELIVERY INTO A TRANSMISSION FACILITY OR DISTRIBUTION SYSTEM.

23. "TRANSMISSION FACILITY" MEANS A WATER FACILITY USED TO CARRY WATER FROM A SUPPLY FACILITY TO A DISTRIBUTION SYSTEM.

24. "WATER FACILITY" OR "WATER FACILITIES" MEANS ANY PLANTS, STRUCTURES AND OTHER REAL AND PERSONAL PROPERTY ACQUIRED, REHABILITATED OR CONSTRUCTED OR PLANNED FOR THE PURPOSE OF ACCUMULATING, SUPPLYING, TRANSMITTING, TREATING OR DISTRIBUTING WATER, INCLUDING BUT NOT LIMITED TO SURFACE OR GROUNDWATER RESERVOIRS, BASINS, DAMS, CANALS, AQUEDUCTS, STANDPIPES, CONDUITS, PIPELINES, MAINS, PUMPING STATIONS, PUMPS, WATER DISTRIBUTION SYSTEMS, COMPENSATING RESERVOIRS, INTAKE STATIONS, WATERWORKS OR SOURCES OF WATER SUPPLY, WELLS, PURIFICATION OR FILTRATION PLANTS OR OTHER TREATMENT PLANTS AND WORKS, CONTRACT RIGHTS, FRANCHISES, APPROACHES, CONNECTIONS, PERMITS, WATER METERS, RIGHTS OF FLOWAGE OR DIVERSION AND OTHER PLANTS, STRUCTURES, EQUIPMENT, VEHICLES, CONVEYANCES, REAL OR PERSONAL PROPERTY OR RIGHTS THEREIN AND APPURTENANCES THERETO NECESSARY OR USEFUL AND CONVENIENT FOR THE ACCUMULATION, SUPPLY, TRANSMISSION, TREATMENT OR DISTRIBUTION OF WATER.

S 1114-B. SEA GATE WATER AND SEWER DISTRICT. THERE IS HEREBY DEFINED AND ESTABLISHED AN AREA TO BE KNOWN AS THE "SEA GATE WATER AND SEWER DISTRICT" WHICH SHALL EMBRACE ALL THE TERRITORY LOCATED WITHIN THE COMMUNITY OF SEA GATE IN THE CITY OF NEW YORK.

S 1114-C. SEA GATE WATER AND SEWER AUTHORITY. 1. A PUBLIC CORPORATION, TO BE KNOWN AS THE "SEA GATE WATER AND SEWER AUTHORITY" IS HEREBY CREATED FOR THE PUBLIC PURPOSES AND CHARGED WITH THE DUTIES AND HAVING THE POWERS PROVIDED IN THIS TITLE. THE AUTHORITY SHALL BE A BODY CORPORATE AND POLITIC CONSTITUTING A PUBLIC BENEFIT CORPORATION, THE OBJECTS OF WHICH IN THE JUDGMENT OF THE LEGISLATURE CANNOT BE ATTAINED UNDER GENERAL LAWS. IT SHALL CONSIST OF FIVE MEMBERS, WHO SHALL BE RESIDENTS OF THE SEA GATE COMMUNITY AND BE APPOINTED BY THE GOVERNOR; ONE UPON RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE, ONE UPON RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY, ONE UPON RECOMMENDATION OF THE MINORITY LEADER OF THE SENATE AND ONE UPON RECOMMENDATION OF THE MINORITY LEADER OF THE ASSEMBLY. NO MORE THAN THREE MEMBERS SHALL BE MEMBERS OF THE SAME POLITICAL PARTY. THE FIRST MEMBERS APPOINTED BY THE GOVERNOR SHALL BE APPOINTED FOR THE FOLLOWING TERMS OF OFFICE: ONE FOR A TERM ENDING ON DECEMBER THIRTY-FIRST OF THE SECOND YEAR FOLLOWING THE YEAR IN WHICH THIS TITLE SHALL HAVE BECOME LAW, TWO FOR A TERM ENDING ON DECEMBER THIRTY-FIRST OF THE THIRD YEAR FOLLOWING THE YEAR IN WHICH THIS TITLE SHALL HAVE BECOME LAW; AND TWO FOR A TERM ENDING ON DECEMBER THIRTY-FIRST OF THE FOURTH YEAR FOLLOWING THE YEAR IN WHICH THIS TITLE SHALL HAVE BECOME LAW. SUBSEQUENT APPOINTMENTS OF MEMBERS SHALL BE MADE FOR A TERM OF THREE YEARS ENDING IN EACH CASE ON DECEMBER THIRTY-FIRST OF THE LAST YEAR OF SUCH TERM. ALL MEMBERS SHALL CONTINUE TO HOLD OFFICE UNTIL THEIR SUCCESSORS ARE APPOINTED AND QUALIFY. VACANCIES SHALL BE FILLED IN THE MANNER PROVIDED FOR ORIGINAL APPOINTMENT. VACANCIES, OCCURRING OTHERWISE THAN BY EXPIRATION OF TERM OF OFFICE, SHALL BE FILLED BY APPOINTMENT FOR THE UNEXPIRED TERMS. MEMBERS MAY BE REMOVED FROM OFFICE FOR THE SAME REASONS AND IN THE SAME MANNER AS MAY BE PROVIDED BY LAW

FOR THE REMOVAL OF OFFICERS OF A COUNTY. THE MEMBERS OF THE AUTHORITY SHALL RECEIVE SUCH SALARY AS SHALL BE DETERMINED BY LOCAL LAW. THEY SHALL RECEIVE NO REIMBURSEMENT FOR THE ORDINARY EXPENSES OF ATTENDING MEETINGS, BUT MAY BY RESOLUTION BY THE AUTHORITY BE ALLOWED THEIR EXPENSES OF A SPECIAL OR EXTRAORDINARY NATURE. A MEMBER MAY RECEIVE ADDITIONAL COMPENSATION IF APPOINTED AN OFFICER OF THE AUTHORITY. THE POWERS OF THE AUTHORITY SHALL BE VESTED IN AND BE EXERCISED BY THE GOVERNING BODY AT A MEETING DULY CALLED AND HELD WHERE A QUORUM OF THREE MEMBERS ARE PRESENT. NO ACTION SHALL BE TAKEN EXCEPT PURSUANT TO THE FAVORABLE VOTE OF AT LEAST THREE MEMBERS. THE GOVERNING BODY MAY DELEGATE TO ONE OR MORE OF ITS MEMBERS, OFFICERS, AGENTS OR EMPLOYEES SUCH POWERS AND DUTIES AS IT MAY DEEM PROPER.

2. THE OFFICERS OF THE AUTHORITY SHALL CONSIST OF A CHAIRMAN, A VICE-CHAIRMAN AND A TREASURER, WHO SHALL BE MEMBERS OF THE AUTHORITY, AND A SECRETARY, WHO NEED NOT BE A MEMBER OF THE AUTHORITY. SUCH OFFICERS SHALL BE APPOINTED BY THE GOVERNING BODY AND SHALL SERVE IN SUCH CAPACITIES AT THE PLEASURE OF THE GOVERNING BODY. IN ADDITION TO THE SECRETARY, THE GOVERNING BODY MAY APPOINT AND AT PLEASURE REMOVE SUCH ADDITIONAL OFFICERS AND EMPLOYEES AS IT MAY DETERMINE NECESSARY FOR THE PERFORMANCE OF THE POWERS AND DUTIES OF THE AUTHORITY WHICH POSITION SHALL BE IN THE EXEMPT CLASS OF CIVIL SERVICE, AND FIX AND DETERMINE THEIR QUALIFICATIONS, DUTIES AND COMPENSATION, SUBJECT TO THE PROVISIONS OF THE CIVIL SERVICE LAW. THE GOVERNING BODY MAY ALSO FROM TIME TO TIME CONTRACT FOR EXPERT PROFESSIONAL SERVICES. THE TREASURER SHALL EXECUTE A BOND, CONDITIONED UPON THE FAITHFUL PERFORMANCE OF THE DUTIES OF HIS OR HER OFFICE, THE AMOUNT AND SUFFICIENCY OF WHICH SHALL BE APPROVED BY THE GOVERNING BODY AND THE PREMIUM THEREFOR SHALL BE PAID BY THE AUTHORITY.

3. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF ANY GENERAL, SPECIAL OR LOCAL LAW, ORDINANCE, RESOLUTION OR CHARTER, NO OFFICER, MEMBER OR EMPLOYEE OF THE STATE, ANY MUNICIPALITY, OR ANY PUBLIC BENEFIT CORPORATION, SHALL FORFEIT HIS OR HER OFFICE OR EMPLOYMENT BY REASON OF HIS OR HER ACCEPTANCE OF APPOINTMENT AS A MEMBER, OFFICER, AGENT OR EMPLOYEE OF THE AUTHORITY, NOR SHALL SERVICE AS SUCH MEMBER, OFFICER, AGENT OR EMPLOYEE BE DEEMED INCOMPATIBLE OR IN CONFLICT WITH SUCH OFFICE, MEMBERSHIP OR EMPLOYMENT.

4. (A) THE CHIEF EXECUTIVE OFFICER SHALL FILE ON OR BEFORE MARCH THIRTY-FIRST OF THE YEAR FOLLOWING THE YEAR IN WHICH THIS TITLE SHALL HAVE BECOME A LAW, IN THE OFFICE OF THE SECRETARY OF STATE, A CERTIFICATE SIGNED BY SUCH CHIEF EXECUTIVE OFFICER SETTING FORTH: (1) THE NAME OF THE AUTHORITY; (2) THE NAMES OF THE MEMBERS APPOINTED BY THE GOVERNOR AND THEIR TERMS OF OFFICE; AND (3) THE EFFECTIVE DATE OF THIS TITLE. THE AUTHORITY SHALL BE PERPETUAL IN DURATION, EXCEPT THAT IF SUCH CERTIFICATE IS NOT FILED WITH THE SECRETARY OF STATE ON OR BEFORE MARCH THIRTY-FIRST OF THE YEAR FOLLOWING THE YEAR IN WHICH THIS TITLE SHALL HAVE BECOME A LAW, THEN THE CORPORATE EXISTENCE OF THE AUTHORITY SHALL THEREUPON TERMINATE AND IT SHALL THEREUPON BE DEEMED TO BE AND SHALL BE DISSOLVED.

(B) EXCEPT AS PROVIDED IN PARAGRAPH (A) OF THIS SUBDIVISION, THE AUTHORITY AND ITS CORPORATE EXISTENCE SHALL CONTINUE UNTIL TERMINATED BY LAW, PROVIDED, HOWEVER, THAT NO SUCH LAW SHALL TAKE EFFECT SO LONG AS THE AUTHORITY SHALL HAVE BONDS OR OTHER OBLIGATIONS OUTSTANDING UNLESS ADEQUATE PROVISION HAS BEEN MADE FOR THE PAYMENT OR SATISFACTION THEREOF. UPON TERMINATION OF THE EXISTENCE OF THE AUTHORITY, ALL OF THE RIGHTS AND PROPERTIES OF THE AUTHORITY THEN REMAINING SHALL PASS TO AND VEST IN THE SEA GATE COMMUNITY.

5. IT IS HEREBY DETERMINED AND DECLARED, THAT THE AUTHORITY AND THE CARRYING OUT OF ITS POWERS AND DUTIES ARE IN ALL RESPECTS FOR THE BENEFIT OF THE PEOPLE OF THE SEA GATE COMMUNITY AND THE STATE FOR THE IMPROVEMENT OF THEIR HEALTH, WELFARE AND PROSPERITY AND THAT SUCH PURPOSES ARE PUBLIC PURPOSES AND THAT THE AUTHORITY IS AND WILL BE PERFORMING AN ESSENTIAL GOVERNMENTAL FUNCTION IN THE EXERCISE OF THE POWERS CONFERRED UPON IT BY THIS TITLE.

S 1114-D. POWERS OF THE AUTHORITY. THE AUTHORITY SHALL HAVE THE POWER:

1. TO SUE AND BE SUED;

2. TO HAVE A SEAL AND ALTER THE SAME AT PLEASURE;

3. TO BORROW MONEY AND ISSUE BONDS OR OTHER OBLIGATIONS AND TO PROVIDE FOR THE RIGHTS OF THE HOLDERS THEREOF;

4. TO ENTER INTO CONTRACTS AND TO EXECUTE ALL INSTRUMENTS NECESSARY OR CONVENIENT OR DESIRABLE FOR THE PURPOSES OF THE AUTHORITY TO CARRY OUT ANY POWERS EXPRESSLY GIVEN IT IN THIS TITLE;

5. TO ACQUIRE, BY PURCHASE, GIFT, GRANT, TRANSFER, CONTRACT OR LEASE OR BY CONDEMNATION PURSUANT TO THE EMINENT DOMAIN PROCEDURE LAW, LEASE AS LESSEE, HOLD, AND USE ANY REAL OR PERSONAL PROPERTY OR ANY INTEREST THEREIN, AS THE AUTHORITY MAY DEEM NECESSARY, CONVENIENT OR DESIRABLE TO CARRY OUT THE PURPOSE OF THIS TITLE; PROVIDED HOWEVER, THAT THE AUTHORITY MAY NOT CONDEMN REAL PROPERTY OF A MUNICIPALITY OF THE STATE UNLESS SUCH MUNICIPALITY SHALL CONSENT THERETO;

6. TO PURCHASE, IN THE NAME OF THE AUTHORITY, ANY WATER FACILITY OR SEWERAGE FACILITY, AND ANY IMPROVEMENTS, EXTENSIONS AND BETTERMENTS, SITUATED WHOLLY WITHIN THE DISTRICT, PROVIDED, HOWEVER, THAT THE AUTHORITY SHALL HAVE THE POWER TO PURCHASE ANY SOURCE OF SUPPLY, SUPPLY FACILITY OR TRANSMISSION FACILITY OR ANY PART THEREOF SITUATED WHOLLY OR PARTLY WITHOUT THE TERRITORIAL LIMITS OF THE DISTRICT, PROVIDED THE SAME SHALL BE NECESSARY IN ORDER TO SUPPLY WATER WITHIN THE DISTRICT; AND IN CONNECTION WITH THE PURCHASE OF SUCH PROPERTIES, THE AUTHORITY MAY ASSUME ANY OBLIGATIONS OF THE OWNER OF SUCH PROPERTIES AND, TO THE EXTENT REQUIRED BY THE TERMS OF ANY INDENTURES OR OTHER INSTRUMENTS UNDER WHICH SUCH OBLIGATIONS WERE ISSUED, THE AUTHORITY MAY ASSUME AND AGREE TO PERFORM COVENANTS AND OBSERVE THE RESTRICTIONS CONTAINED IN SUCH INSTRUMENTS; AND FURTHERMORE THE OWNER OF ANY PROPERTIES, WHICH THE AUTHORITY IS AUTHORIZED TO ACQUIRE, IS HEREBY AUTHORIZED TO SELL OR OTHERWISE TRANSFER THE SAME TO THE AUTHORITY, WHEREUPON THE AUTHORITY SHALL BECOME CHARGED WITH THE PERFORMANCE OF ALL PUBLIC DUTIES WITH RESPECT TO SUCH PROPERTIES WITH WHICH SUCH OWNER WAS CHARGED AND SUCH OWNER SHALL BECOME DISCHARGED FROM THE PERFORMANCE THEREOF, AND AS A MEANS OF SO ACQUIRING FOR SUCH PURPOSE, THE AUTHORITY MAY PURCHASE ALL OF THE STOCK OF ANY EXISTING PRIVATELY OWNED WATER CORPORATION OR COMPANY AND IN THE CASE OF A SALE OR OTHER TRANSFER OF PROPERTIES OF A PUBLIC UTILITY CORPORATION PURSUANT TO THIS PROVISION, UPON THE PURCHASE OF THE STOCK OF SUCH CORPORATION OR COMPANY IT SHALL BE LAWFUL TO DISSOLVE SUCH CORPORATION WITHIN A REASONABLE TIME;

7. TO CONSTRUCT, IMPROVE, MAINTAIN, DEVELOP, EXPAND OR REHABILITATE WATER FACILITIES OR SEWERAGE FACILITIES;

8. TO OPERATE AND MANAGE AND TO CONTRACT FOR THE OPERATION AND MANAGEMENT OF PROPERTIES OF THE AUTHORITY;

9. TO ENTER INTO CONTRACTS, AND CARRY OUT THE TERMS THEREOF, FOR THE WHOLESALE PROVISION OF WATER PRODUCED BY SUPPLY FACILITIES CONSTRUCTED AND OPERATED BY THE AUTHORITY, TO MUNICIPALITIES AND PRIVATE WATER COMPANIES AND TO CARRY OUT THE TERMS THEREOF, FOR THE TRANSMISSION OF WATER FROM NEW OR EXISTING SUPPLY FACILITIES;

10. TO ENTER INTO CONTRACTS WITH MUNICIPALITIES FOR THE COLLECTION, TREATMENT AND DISPOSAL OF SEWAGE;

11. TO APPLY TO THE APPROPRIATE AGENCIES AND OFFICIALS OF THE FEDERAL, STATE AND LOCAL GOVERNMENTS FOR SUCH LICENSES, PERMITS OR APPROVALS OF ITS PLANS OR PROJECTS AS IT MAY DEEM NECESSARY OR ADVISABLE, AND UPON SUCH TERMS AND CONDITIONS AS IT MAY DEEM APPROPRIATE, AND TO ACCEPT, IN ITS DISCRETION, SUCH LICENSES, PERMITS OR APPROVALS AS MAY BE TENDERED TO IT BY SUCH AGENCIES AND OFFICIALS;

12. TO APPOINT SUCH OFFICERS AND EMPLOYEES AS ARE REQUIRED FOR THE PERFORMANCE OF ITS DUTIES, TO FIX AND DETERMINE THEIR QUALIFICATIONS, DUTIES AND COMPENSATION, AND TO RETAIN OR EMPLOY COUNSEL, AUDITORS, ENGINEERS AND PRIVATE CONSULTANTS ON A CONTRACT BASIS OR OTHERWISE FOR RENDERING PROFESSIONAL OR TECHNICAL SERVICES AND ADVICE;

13. TO MAKE PLANS AND STUDIES NECESSARY, CONVENIENT OR DESIRABLE FOR THE EFFECTUATION OF THE PURPOSES AND POWERS OF THE AUTHORITY AND TO PREPARE RECOMMENDATIONS IN REGARD THERETO;

14. TO ENTER UPON SUCH LANDS, WATERS OR PREMISES AS IN THE JUDGMENT OF THE AUTHORITY SHALL BE NECESSARY FOR THE PURPOSE OF MAKING SURVEYS, SOUNDINGS, BORINGS AND EXAMINATIONS TO ACCOMPLISH ANY PURPOSE AUTHORIZED BY THIS TITLE, THE AUTHORITY BEING LIABLE ONLY FOR ACTUAL DAMAGE DONE;

15. TO APPLY FOR AND TO ACCEPT ANY GIFTS OR GRANTS OR LOANS OF FUNDS OR PROPERTY OR FINANCIAL OR OTHER AID IN ANY FORM FROM THE FEDERAL GOVERNMENT OR ANY AGENCY OR INSTRUMENTALITY THEREOF, OR FROM THE STATE OR ANY AGENCY OR INSTRUMENTALITY THEREOF OR FROM ANY OTHER SOURCE, FOR ANY OR ALL OF THE PURPOSES SPECIFIED IN THIS TITLE, AND TO COMPLY, SUBJECT TO THE PROVISIONS OF THIS TITLE, WITH THE TERMS AND CONDITIONS THEREOF;

16. TO SUPPLY AND SELL WATER FOR DOMESTIC, COMMERCIAL AND PUBLIC PURPOSES AT RETAIL TO INDIVIDUAL CONSUMERS WITHIN THE DISTRICT AND TO COLLECT, TREAT AND DISCHARGE SEWAGE PRODUCED FOR SUCH PURPOSES BY SUCH GENERATORS;

17. TO PURCHASE WATER IN BULK FROM ANY PERSON, PRIVATE CORPORATION OR MUNICIPALITY WHEN NECESSARY OR CONVENIENT FOR THE OPERATION OF SUCH WATER SYSTEM;

18. TO PRODUCE, DEVELOP, DISTRIBUTE AND SELL WATER OR SEWERAGE SERVICES WITHIN OR WITHOUT THE TERRITORIAL LIMITS OF THE DISTRICT; AND TO PURCHASE WATER FROM ANY MUNICIPAL CORPORATION, TOWN WATER DISTRICT, PERSON, ASSOCIATION OR CORPORATION; PROVIDED, HOWEVER, THAT WATER AND SEWERAGE SERVICES MAY BE SOLD AT RETAIL TO INDIVIDUAL CONSUMERS ONLY WITHIN THE DISTRICT AND FURTHER PROVIDED THAT IN EXERCISING THE POWERS GRANTED BY THIS TITLE, THE AUTHORITY SHALL NOT SELL WATER OR SEWERAGE SERVICES IN ANY AREA WHICH IS SERVED BY A WATER SYSTEM OR SEWERAGE SYSTEM OWNED OR OPERATED BY A MUNICIPALITY OR SPECIAL IMPROVEMENT DISTRICT UNLESS THE GOVERNING BODY OF SUCH MUNICIPALITY OR DISTRICT SHALL ADOPT A RESOLUTION REQUESTING THE AUTHORITY TO SELL WATER OR SEWERAGE SERVICES, AS THE CASE MAY BE, IN SUCH SERVED AREAS;

19. TO MAKE BY-LAWS FOR THE MANAGEMENT AND REGULATION OF ITS AFFAIRS AND SUBJECT TO AGREEMENTS WITH BONDHOLDERS, RULES FOR THE SALE OF WATER OR COLLECTION OF SEWAGE AND THE COLLECTION OF RENTS AND CHARGES THEREFOR. A COPY OF SUCH RULES AND BY-LAWS, AND ALL AMENDMENTS THERETO, DULY CERTIFIED BY THE SECRETARY OF THE AUTHORITY SHALL BE FILED IN THE OFFICE OF THE SECRETARY OF STATE. IN ADDITION, THE BOARD OF DIRECTORS OF THE SEA GATE COMMUNITY BY RESOLUTION SHALL HAVE POWER TO PRESCRIBE THAT VIOLATION OF SPECIFIC BY-LAWS OF THE AUTHORITY, PUBLISHED ONCE IN A NEWSPAPER HAVING A GENERAL CIRCULATION IN THE SEA GATE COMMUNITY, SHALL

BE PUNISHABLE BY FINE, NOT EXCEEDING FIFTY DOLLARS, OR BY IMPRISONMENT FOR NOT LONGER THAN THIRTY DAYS, OR BOTH SUCH FINE AND IMPRISONMENT;

20. TO FIX RATES AND COLLECT CHARGES FOR THE USE OF THE FACILITIES OF, OR SERVICES RENDERED BY, OR ANY COMMODITIES FURNISHED BY THE AUTHORITY SUCH AS TO PROVIDE REVENUES SUFFICIENT AT ALL TIMES TO PAY, AS THE SAME SHALL BECOME DUE, THE PRINCIPAL AND INTEREST ON THE BONDS OR OTHER OBLIGATIONS OF THE AUTHORITY TOGETHER WITH THE MAINTENANCE OF PROPER RESERVES THEREFOR, IN ADDITION TO PAYING AS THE SAME SHALL BECOME DUE THE EXPENSE OF OPERATING AND MAINTAINING THE PROPERTIES OF THE AUTHORITY TOGETHER WITH PROPER RESERVES FOR MAINTENANCE, CONTINGENCIES AND ALL OTHER OBLIGATIONS AND INDEBTEDNESS OF THE AUTHORITY;

21. TO ENTER INTO COOPERATIVE AGREEMENTS WITH OTHER AUTHORITIES, MUNICIPALITIES, COUNTIES, TOWNS, VILLAGES, WATER DISTRICTS, UTILITY COMPANIES, INDIVIDUALS, FIRMS OR CORPORATIONS, WITHIN OR WITHOUT THE TERRITORIAL LIMITS OF THE DISTRICT, FOR THE INTERCONNECTION OF FACILITIES, THE EXCHANGE OR INTERCHANGE OF SERVICES AND COMMODITIES, AND WITHIN THE TERRITORIAL LIMITS OF THE DISTRICT TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION AND OPERATION AND MAINTENANCE OF A WATER OR SEWERAGE SYSTEM BY THE AUTHORITY FOR ANY MUNICIPALITY HAVING POWER TO CONSTRUCT AND DEVELOP A WATER OR SEWERAGE SYSTEM, UPON SUCH TERMS AND CONDITIONS AS SHALL BE DETERMINED TO BE REASONABLE INCLUDING BUT NOT LIMITED TO THE REIMBURSEMENT OF ALL COSTS OF SUCH CONSTRUCTION, OR FOR ANY OTHER LAWFUL PURPOSES NECESSARY OR DESIRABLE TO EFFECT THE PURPOSES OF THIS TITLE;

22. TO PROVIDE FOR THE DISCONTINUANCE OR DISCONNECTION OF WATER OR SEWERAGE SERVICE, OR BOTH, AS THE CASE MAY BE, FOR NON-PAYMENT OF FEES, RATES, RENTS OR OTHER CHARGES THEREFOR IMPOSED BY THE AUTHORITY, PROVIDED SUCH DISCONTINUANCE OR DISCONNECTION OF ANY WATER OR SEWERAGE SERVICE, OR BOTH, AS THE CASE MAY BE, SHALL NOT BE CARRIED OUT EXCEPT IN THE MANNER AND UPON THE NOTICE AS IS REQUIRED OF A WATERWORKS CORPORATION PURSUANT TO SUBDIVISIONS THREE-A, THREE-B AND THREE-C OF SECTION EIGHTY-NINE-B AND SECTION ONE HUNDRED SIXTEEN OF THE PUBLIC SERVICE LAW; AND

23. TO DO ALL THINGS NECESSARY, CONVENIENT OR DESIRABLE TO CARRY OUT ITS PURPOSES AND FOR THE EXERCISE OF THE POWERS GRANTED IN THIS TITLE.

S 1114-E. ADVANCES ON BEHALF OF THE AUTHORITY; TRANSFER OF PROPERTY TO AUTHORITY; ACQUISITION OF PROPERTY BY SEA GATE COMMUNITY FOR AUTHORITY. 1. IN ADDITION TO ANY POWERS GRANTED TO IT BY LAW, THE SEA GATE COMMUNITY FROM TIME TO TIME MAY APPROPRIATE SUMS OF MONEY TO OR ON BEHALF OF THE AUTHORITY TO DEFRAY PROJECT COSTS OR ANY OTHER COSTS AND EXPENSES OF THE AUTHORITY. SUBJECT TO THE RIGHTS OF BONDHOLDERS, THE SEA GATE COMMUNITY MAY DETERMINE IF THE MONEYS SO APPROPRIATED SHALL BE SUBJECT TO REPAYMENT BY THE AUTHORITY TO THE SEA GATE COMMUNITY AND, IN SUCH EVENT, THE MANNER AND TIME OR TIMES FOR SUCH REPAYMENT.

2. THE SEA GATE COMMUNITY OR ANY OTHER MUNICIPALITY MAY GIVE, GRANT, SELL, CONVEY, LOAN, LICENSE THE USE OF OR LEASE TO THE AUTHORITY ANY PROPERTY OR FACILITY WHICH IS USEFUL TO THE AUTHORITY IN ORDER TO CARRY OUT ITS POWERS UNDER THIS TITLE. ANY SUCH TRANSFER OF PROPERTY SHALL BE UPON SUCH TERMS AND CONDITIONS, SUBJECT TO THE RIGHTS OF THE HOLDERS OF ANY BONDS, AS THE AUTHORITY AND THE SEA GATE COMMUNITY OR OTHER MUNICIPALITY MAY AGREE.

3. THE SEA GATE COMMUNITY MAY ACQUIRE BY PURCHASE OR BY EXERCISE OF THE POWER OF EMINENT DOMAIN REAL PROPERTY IN THE NAME OF THE SEA GATE COMMUNITY FOR ANY CORPORATE PURPOSE OF THE AUTHORITY.

4. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW, GENERAL, SPECIAL OR LOCAL TO THE CONTRARY, REAL PROPERTY ACQUIRED BY THE AUTHORITY OR THE

SEA GATE COMMUNITY FROM THE STATE MAY BE USED FOR ANY CORPORATE PURPOSE OF THE AUTHORITY.

S 1114-F. GOVERNMENTAL CAPACITY OF THE AUTHORITY AND MUNICIPALITIES. THE AUTHORITY, THE SEA GATE COMMUNITY AND THE OTHER MUNICIPALITIES, IN CARRYING OUT THEIR RESPECTIVE POWERS AND DUTIES UNDER THIS TITLE, SHALL BE DEEMED TO BE ACTING IN A GOVERNMENTAL CAPACITY AND IN THE PERFORMANCE OF AN ESSENTIAL GOVERNMENTAL FUNCTION.

S 1114-G. TRANSFER OF OFFICERS AND EMPLOYEES. ANY PUBLIC OFFICER OR EMPLOYEE IN THE PUBLIC SERVICE WHO IS SELECTED BY THE AUTHORITY MAY, WITH THE CONSENT OF THE COMMISSION, BOARD, OR CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY BY WHICH HE OR SHE HAS BEEN EMPLOYED, BE TRANSFERRED TO THE AUTHORITY AND SHALL BE ELIGIBLE FOR SUCH TRANSFER AND APPOINTMENT WITHOUT EXAMINATION TO COMPARABLE OFFICES, POSITIONS AND EMPLOYMENT UNDER THE AUTHORITY. THE SALARY OR COMPENSATION OF ANY SUCH OFFICER OR EMPLOYEE, AFTER SUCH TRANSFER, SHALL BE PAID BY THE AUTHORITY. ANY SUCH OFFICERS OR EMPLOYEES SO TRANSFERRED TO THE AUTHORITY PURSUANT TO THIS SECTION, WHO ARE MEMBERS OF OR BENEFIT UNDER ANY EXISTING PENSION OR RETIREMENT FUND OR SYSTEM, SHALL CONTINUE TO HAVE ALL RIGHTS, PRIVILEGES, OBLIGATIONS AND STATUS WITH RESPECT TO SUCH FUND OR SYSTEM AS ARE NOW PRESCRIBED BY LAW, BUT DURING THE PERIOD OF THEIR EMPLOYMENT BY THE AUTHORITY, ALL CONTRIBUTIONS TO SUCH FUNDS OR SYSTEMS TO BE PAID BY THE EMPLOYER ON ACCOUNT OF SUCH OFFICERS OR EMPLOYEES SHALL BE PAID BY THE AUTHORITY. ALL SUCH OFFICERS OR EMPLOYEES SO TRANSFERRED TO THE AUTHORITY WHO HAVE BEEN APPOINTED TO POSITIONS UNDER THE RULES AND CLASSIFICATIONS OF THE CIVIL SERVICE COMMISSION SHALL HAVE THE SAME STATUS WITH RESPECT THERETO AFTER TRANSFER TO THE AUTHORITY AS THEY HAD UNDER THEIR ORIGINAL APPOINTMENT.

S 1114-H. BONDS OF THE AUTHORITY. 1. THE AUTHORITY SHALL HAVE THE POWER AND IS HEREBY AUTHORIZED FROM TIME TO TIME TO ISSUE BONDS IN SUCH PRINCIPAL AMOUNTS AS IT MAY DETERMINE TO BE NECESSARY TO PAY THE COST OF ANY PROJECT OR FOR ANY OTHER CORPORATE PURPOSE, INCLUDING INCIDENTAL EXPENSES IN CONNECTION THEREWITH. THE AUTHORITY SHALL HAVE POWER AND IS HEREBY AUTHORIZED TO ENTER INTO SUCH AGREEMENTS AND PERFORM SUCH ACTS AS MAY BE REQUIRED UNDER ANY APPLICABLE FEDERAL LEGISLATION TO SECURE A FEDERAL GUARANTEE OF ANY BONDS. THE AUTHORITY SHALL HAVE POWER FROM TIME TO TIME TO REFUND ANY BONDS BY THE ISSUANCE OF NEW BONDS, WHETHER THE BONDS TO BE REFUNDED HAVE OR HAVE NOT MATURED, AND MAY ISSUE BONDS PARTLY TO REFUND BONDS THEN OUTSTANDING AND PARTLY FOR ANY OTHER CORPORATE PURPOSE. BONDS ISSUED BY THE AUTHORITY MAY BE GENERAL OBLIGATIONS SECURED BY THE FAITH AND CREDIT OF THE AUTHORITY OR MAY BE SPECIAL OBLIGATIONS PAYABLE SOLELY OUT OF PARTICULAR REVENUES OR OTHER MONEYS AS MAY BE DESIGNATED IN THE PROCEEDINGS OF THE AUTHORITY UNDER WHICH THE BONDS SHALL BE AUTHORIZED TO BE ISSUED, SUBJECT ONLY TO ANY AGREEMENTS WITH THE HOLDERS OF OUTSTANDING BONDS PLEDGING ANY PARTICULAR REVENUES, EARNINGS, OR MONEYS.

2. THE AUTHORITY IS AUTHORIZED TO OBTAIN FROM ANY DEPARTMENT OR AGENCY OF THE UNITED STATES OF AMERICA OR THE STATE OR ANY NON-GOVERNMENTAL INSURER OR FINANCIAL INSTITUTION ANY INSURANCE, GUARANTY OR OTHER CREDIT SUPPORT DEVICE, TO THE EXTENT NOW OR HEREAFTER AVAILABLE, AS TO, OR FOR THE PAYMENT OR REPAYMENT OF INTEREST OR PRINCIPAL, OR BOTH, OR ANY PART THEREOF, ON ANY BONDS ISSUED BY THE AUTHORITY AND TO ENTER INTO ANY AGREEMENT OR CONTRACT WITH RESPECT TO ANY SUCH INSURANCE OR GUARANTY, EXCEPT TO THE EXTENT THAT THE SAME WOULD IN ANY WAY IMPAIR OR INTERFERE WITH THE ABILITY OF THE AUTHORITY TO PERFORM AND FULFILL THE TERMS OF ANY AGREEMENT MADE WITH THE HOLDERS OF OUTSTANDING BONDS OF THE AUTHORITY.

3. BONDS SHALL BE AUTHORIZED BY RESOLUTION OF THE AUTHORITY, BE IN SUCH DENOMINATIONS, BEAR SUCH DATE OR DATES AND MATURE AT SUCH TIME OR TIMES AS SUCH RESOLUTION MAY PROVIDE, EXCEPT THAT BONDS AND ANY RENEWALS THEREOF SHALL MATURE WITHIN FORTY YEARS FROM THE DATE OF ORIGINAL ISSUANCE OF ANY SUCH BONDS. OBLIGATIONS WITH A MATURITY OF FIVE YEARS OR LESS FROM THE DATE OF THEIR ORIGINAL ISSUANCE MAY BE DESIGNATED AS NOTES. BONDS SHALL BE SUBJECT TO SUCH TERMS OF REDEMPTION, BEAR INTEREST AT SUCH RATE OR RATES PER ANNUM PAYABLE AT SUCH TIMES, BE IN SUCH FORM, CARRY SUCH REGISTRATION PRIVILEGES, BE EXECUTED IN SUCH MANNER, BE PAYABLE IN SUCH MEDIUM OF PAYMENT AT SUCH PLACE OR PLACES, AND BE SUBJECT TO SUCH TERMS AND CONDITIONS AS SUCH RESOLUTION MAY PROVIDE. BONDS MAY BE SOLD AT PUBLIC OR PRIVATE SALE FOR SUCH PRICE OR PRICES AS THE AUTHORITY SHALL DETERMINE, PROVIDED THAT NO BONDS OF THE AUTHORITY, OTHER THAN OBLIGATIONS DESIGNATED AS NOTES, MAY BE SOLD BY THE AUTHORITY AT PRIVATE SALE UNLESS SUCH SALE AND THE TERMS THEREOF HAVE BEEN APPROVED IN WRITING BY THE COMPTROLLER, WHERE SUCH SALE IS NOT TO BE TO SUCH COMPTROLLER, OR BY THE STATE DIRECTOR OF THE BUDGET, WHERE SUCH SALE IS TO BE TO THE COMPTROLLER. THE AUTHORITY MAY PAY ALL EXPENSES, PREMIUMS AND COMMISSIONS WHICH IT MAY DEEM NECESSARY OR ADVANTAGEOUS IN CONNECTION WITH THE ISSUANCE AND SALE OF BONDS.

4. ANY RESOLUTION OR RESOLUTIONS AUTHORIZING BONDS OR ANY ISSUE OF BONDS MAY CONTAIN PROVISIONS WHICH MAY BE A PART OF THE CONTRACT WITH THE HOLDERS OF THE BONDS THEREBY AUTHORIZED AS TO:

(A) PLEDGING ALL OR ANY PART OF THE REVENUES OF THE AUTHORITY, TOGETHER WITH ANY OTHER MONEYS OR PROPERTY OF THE AUTHORITY TO SECURE THE PAYMENT OF THE BONDS, INCLUDING BUT NOT LIMITED TO ANY CONTRACTS, EARNINGS OR PROCEEDS OF ANY GRANT TO THE AUTHORITY RECEIVED FROM ANY PRIVATE OR PUBLIC SOURCE;

(B) THE SETTING ASIDE OF RESERVES AND THE CREATION OF SINKING FUNDS AND THE REGULATION AND DISPOSITION THEREOF;

(C) LIMITATIONS ON THE PURPOSE TO WHICH THE PROCEEDS FROM THE SALE OF BONDS MAY BE APPLIED;

(D) THE RATES, RENTS, FEES AND OTHER CHARGES TO BE FIXED AND COLLECTED BY THE AUTHORITY AND THE AMOUNT TO BE RAISED IN EACH YEAR THEREBY, AND THE USE AND DISPOSITION OF REVENUES;

(E) LIMITATIONS ON THE RIGHT OF THE AUTHORITY TO RESTRICT AND REGULATE THE USE OF THE PROJECT OR PART THEREOF IN CONNECTION WITH WHICH BONDS ARE ISSUED;

(F) LIMITATIONS ON THE ISSUANCE OF ADDITIONAL BONDS, THE TERMS UPON WHICH ADDITIONAL BONDS MAY BE ISSUED AND SECURED AND THE REFUNDING OF OUTSTANDING OR OTHER BONDS;

(G) THE PROCEDURE, IF ANY, BY WHICH THE TERMS OF ANY CONTRACT WITH BONDHOLDERS MAY BE AMENDED OR ABROGATED, THE AMOUNT OF BONDS THE HOLDERS OF WHICH MUST CONSENT THERETO, AND THE MANNER IN WHICH SUCH CONSENT MAY BE GIVEN;

(H) THE CREATION OF SPECIAL FUNDS INTO WHICH ANY REVENUES OR MONEYS MAY BE DEPOSITED;

(I) THE TERMS AND PROVISIONS OF ANY TRUST, DEED, MORTGAGE OR INDENTURE SECURING THE BONDS UNDER WHICH THE BONDS MAY BE ISSUED;

(J) VESTING IN A TRUSTEE OR TRUSTEES SUCH PROPERTIES, RIGHTS, POWERS AND DUTIES IN TRUST AS THE AUTHORITY MAY DETERMINE WHICH MAY INCLUDE ANY OR ALL OF THE RIGHTS, POWERS AND DUTIES OF THE TRUSTEE APPOINTED BY THE BONDHOLDERS PURSUANT TO SECTION ONE THOUSAND ONE HUNDRED FOURTEEN-I OF THIS TITLE AND LIMITING OR ABROGATING THE RIGHTS OF THE BONDHOLDERS TO APPOINT A TRUSTEE UNDER SUCH SECTION OR LIMITING THE RIGHTS, DUTIES AND POWERS OF SUCH TRUSTEE;

(K) DEFINING THE ACTS OR OMISSIONS TO ACT WHICH MAY CONSTITUTE A DEFAULT IN THE OBLIGATIONS AND DUTIES OF THE AUTHORITY TO THE BONDHOLDERS AND PROVIDING FOR THE RIGHTS AND REMEDIES OF THE BONDHOLDERS IN THE EVENT OF SUCH DEFAULT, INCLUDING AS A MATTER OF RIGHT THE APPOINTMENT OF A RECEIVER, PROVIDED, HOWEVER, THAT SUCH RIGHTS AND REMEDIES SHALL NOT BE INCONSISTENT WITH THE GENERAL LAWS OF THE STATE AND OTHER PROVISIONS OF THIS TITLE;

(L) LIMITATIONS ON THE POWER OF THE AUTHORITY TO SELL OR OTHERWISE DISPOSE OF ANY PROJECT OR ANY PART THEREOF;

(M) LIMITATIONS ON THE AMOUNT OF REVENUES AND OTHER MONEYS TO BE EXPENDED FOR OPERATING, ADMINISTRATIVE OR OTHER EXPENSES OF THE AUTHORITY;

(N) THE PAYMENT OF THE PROCEEDS OF BONDS, REVENUES AND OTHER MONEYS TO A TRUSTEE OR OTHER DEPOSITORY, AND FOR THE METHOD OF DISBURSEMENT THEREOF WITH SUCH SAFEGUARDS AND RESTRICTIONS AS THE AUTHORITY MAY DETERMINE; AND

(O) ANY OTHER MATTERS OF LIKE OR DIFFERENT CHARACTER WHICH MAY IN ANY WAY AFFECT THE SECURITY OR PROTECTION OF THE BONDS OR THE RIGHTS AND REMEDIES OF BONDHOLDERS.

5. IN ADDITION TO THE POWERS HEREIN CONFERRED UPON THE AUTHORITY TO SECURE ITS BONDS, THE AUTHORITY SHALL HAVE POWER IN CONNECTION WITH THE ISSUANCE OF BONDS TO ENTER INTO SUCH AGREEMENTS AS THE AUTHORITY MAY DEEM NECESSARY, CONVENIENT OR DESIRABLE CONCERNING THE USE OR DISPOSITION OF ITS REVENUES OR OTHER MONEYS OR PROPERTY, INCLUDING THE MORTGAGING OF ANY OF ITS PROPERTIES AND THE ENTRUSTING, PLEDGING OR CREATION OF ANY OTHER SECURITY INTEREST IN ANY SUCH REVENUES, MONEYS OR PROPERTIES AND THE DOING OF ANY ACT (INCLUDING REFRAINING FROM DOING ANY ACT) WHICH THE AUTHORITY WOULD HAVE THE RIGHT TO DO IN THE ABSENCE OF SUCH AGREEMENTS. THE AUTHORITY SHALL HAVE POWER TO ENTER INTO AMENDMENTS OF ANY SUCH AGREEMENTS WITHIN THE POWERS GRANTED TO THE AUTHORITY BY THIS TITLE AND TO PERFORM SUCH AGREEMENTS. THE PROVISIONS OF ANY SUCH AGREEMENTS MAY BE MADE A PART OF THE CONTRACT WITH THE HOLDERS OF BONDS OF THE AUTHORITY.

6. ANY PROVISION OF THE UNIFORM COMMERCIAL CODE TO THE CONTRARY NOTWITHSTANDING, ANY PLEDGE OF OR OTHER SECURITY INTEREST IN REVENUES, MONEYS, ACCOUNTS, CONTRACT RIGHTS, GENERAL INTANGIBLES OR OTHER PERSONAL PROPERTY MADE OR CREATED BY THE AUTHORITY SHALL BE VALID, BINDING AND PERFECTED FROM THE TIME WHEN SUCH PLEDGE IS MADE OR OTHER SECURITY INTEREST ATTACHES WITHOUT ANY PHYSICAL DELIVERY OF THE COLLATERAL OR FURTHER ACT, AND THE LIEN OF ANY SUCH PLEDGE OR OTHER SECURITY INTEREST SHALL BE VALID, BINDING AND PERFECTED AGAINST ALL PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT OR OTHERWISE AGAINST THE AUTHORITY IRRESPECTIVE OF WHETHER OR NOT SUCH PARTIES HAVE NOTICE THEREOF. NO INSTRUMENT BY WHICH SUCH A PLEDGE OR SECURITY INTEREST IS CREATED NOR ANY FINANCING STATEMENT NEED BE RECORDED OR FILED.

7. WHETHER OR NOT THE BONDS ARE OF SUCH FORM AND CHARACTER AS TO BE NEGOTIABLE INSTRUMENTS UNDER THE TERMS OF THE UNIFORM COMMERCIAL CODE, THE BONDS ARE HEREBY MADE NEGOTIABLE INSTRUMENTS WITHIN THE MEANING OF AND FOR ALL THE PURPOSES OF THE UNIFORM COMMERCIAL CODE, SUBJECT ONLY TO THE PROVISIONS OF THE BONDS FOR REGISTRATION.

8. NEITHER THE MEMBERS OF THE AUTHORITY NOR ANY PERSON EXECUTING BONDS SHALL BE LIABLE PERSONALLY THEREON OR BE SUBJECT TO ANY PERSONAL LIABILITY OR ACCOUNTABILITY BY REASON OF THE ISSUANCE THEREOF.

9. THE AUTHORITY, SUBJECT TO SUCH AGREEMENTS WITH BONDHOLDERS AS THEN MAY EXIST, SHALL HAVE POWER OUT OF ANY MONEYS AVAILABLE THEREFOR TO PURCHASE BONDS OF THE AUTHORITY, WHICH SHALL THEREUPON BE CANCELLED.

S 1114-I. REMEDIES OF BONDHOLDERS. SUBJECT TO ANY RESOLUTION OR RESOLUTIONS ADOPTED PURSUANT TO PARAGRAPH (J) OF SUBDIVISION FOUR OF SECTION ONE THOUSAND ONE HUNDRED FOURTEEN-H OF THIS TITLE:

1. IN THE EVENT THAT THE AUTHORITY SHALL DEFAULT IN THE PAYMENT OF PRINCIPAL OR OF INTEREST ON ANY ISSUE OF BONDS AFTER THE SAME SHALL BECOME DUE, WHETHER AT MATURITY OR UPON CALL FOR REDEMPTION, AND SUCH DEFAULT SHALL CONTINUE FOR A PERIOD OF THIRTY DAYS, OR IN THE EVENT THAT THE AUTHORITY SHALL FAIL OR REFUSE TO COMPLY WITH THE PROVISIONS OF THIS TITLE OR SHALL DEFAULT IN ANY AGREEMENT MADE WITH THE HOLDERS OF ANY ISSUE OF BONDS, THE HOLDERS OF TWENTY-FIVE PERCENT IN AGGREGATE PRINCIPAL AMOUNT OF THE BONDS OF SUCH ISSUE THEN OUTSTANDING, BY INSTRUMENT OR INSTRUMENTS FILED IN THE OFFICE OF THE CLERK OF THE SECRETARY OF STATE AND PROVED OR ACKNOWLEDGED IN THE SAME MANNER AS A DEED TO BE RECORDED, MAY APPOINT A TRUSTEE TO REPRESENT THE HOLDERS OF SUCH BONDS FOR THE PURPOSE HEREIN PROVIDED.

2. SUCH TRUSTEE MAY AND, UPON WRITTEN REQUEST OF THE HOLDERS OF TWENTY-FIVE PERCENT IN PRINCIPAL AMOUNT OF SUCH BONDS OUTSTANDING, SHALL IN HIS, HER OR ITS OWN NAME:

(A) BY ACTION OR PROCEEDING IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND RULES, ENFORCE ALL RIGHTS OF THE BONDHOLDERS, INCLUDING THE RIGHT TO REQUIRE THE AUTHORITY TO COLLECT RENTS, RATES AND CHARGES ADEQUATE TO CARRY OUT ANY AGREEMENT AS TO, OR PLEDGE OF, SUCH RENTS, RATES AND CHARGES AND TO REQUIRE THE AUTHORITY TO CARRY OUT ANY OTHER AGREEMENTS WITH THE HOLDERS OF SUCH BONDS TO PERFORM ITS DUTIES UNDER THIS TITLE;

(B) BRING AN ACTION OR PROCEEDING UPON SUCH BONDS;

(C) BY ACTION OR PROCEEDING, REQUIRE THE AUTHORITY TO ACCOUNT AS IF IT WERE THE TRUSTEE OF AN EXPRESS TRUST FOR THE HOLDERS OF SUCH BONDS;

(D) BY ACTION OR PROCEEDING, ENJOIN ANY ACTS OR THINGS WHICH MAY BE UNLAWFUL OR IN VIOLATION OF THE RIGHTS OF THE HOLDERS OF SUCH BONDS; AND

(E) DECLARE ALL SUCH BONDS DUE AND PAYABLE, AND IF ALL DEFAULTS SHALL BE MADE GOOD, THEN WITH THE CONSENT OF THE HOLDERS OF TWENTY-FIVE PERCENT OF THE PRINCIPAL AMOUNT OF SUCH BONDS THEN OUTSTANDING, ANNUL SUCH DECLARATION AND ITS CONSEQUENCES.

3. SUCH TRUSTEE SHALL IN ADDITION TO THE FOREGOING HAVE AND POSSESS ALL OF THE POWERS NECESSARY OR APPROPRIATE FOR THE EXERCISE OF ANY FUNCTIONS SPECIFICALLY SET FORTH HEREIN OR INCIDENT TO THE GENERAL REPRESENTATION OF BONDHOLDERS IN THE ENFORCEMENT AND PROTECTION OF THEIR RIGHTS.

4. THE SUPREME COURT SHALL HAVE JURISDICTION OF ANY ACTION OR PROCEEDING BY THE TRUSTEE ON BEHALF OF SUCH BONDHOLDERS. THE VENUE OF ANY SUCH ACTION OR PROCEEDING SHALL BE LAID IN THE COUNTY OF KINGS.

5. BEFORE DECLARING THE PRINCIPAL OF BONDS DUE AND PAYABLE, THE TRUSTEE SHALL FIRST GIVE THIRTY DAYS NOTICE IN WRITING TO THE AUTHORITY.

6. ANY SUCH TRUSTEE, WHETHER OR NOT THE ISSUE OF BONDS REPRESENTED BY SUCH TRUSTEE HAS BEEN DECLARED DUE AND PAYABLE, SHALL BE ENTITLED AS OF RIGHT TO THE APPOINTMENT OF A RECEIVER OF ANY PART OR PARTS OF THE PROPERTIES THE REVENUES OF WHICH ARE PLEDGED FOR THE SECURITY OF THE BONDS OF SUCH ISSUE, AND, SUBJECT TO ANY PLEDGE OR AGREEMENT WITH HOLDERS OF SUCH BONDS, SUCH RECEIVER MAY ENTER AND TAKE POSSESSION OF SUCH PART OR PARTS OF THE PROPERTIES AND SHALL TAKE POSSESSION OF ALL MONEYS AND OTHER PROPERTY DERIVED FROM SUCH PART OR PARTS OF SUCH PROPERTIES AND PROCEED WITH ANY CONSTRUCTION THEREON OR THE ACQUISITION OF ANY PROPERTY, REAL OR PERSONAL, IN CONNECTION THEREWITH WHICH THE AUTHORITY IS UNDER OBLIGATION TO DO, AND TO OPERATE, MAINTAIN AND RECONSTRUCT SUCH PART OR PARTS OF THE PROPERTIES AND COLLECT AND RECEIVE ALL REVENUES THEREAFTER ARISING THEREFROM SUBJECT TO ANY PLEDGE THEREOF OR AGREEMENT WITH BONDHOLDERS RELATING THERETO AND PERFORM THE PUBLIC DUTIES AND

CARRY OUT THE AGREEMENTS AND OBLIGATIONS OF THE AUTHORITY UNDER THE DIRECTION OF THE COURT. IN ANY SUIT, ACTION OR PROCEEDING BY THE TRUSTEE, THE FEES, COUNSEL FEES AND EXPENSES OF THE TRUSTEE AND OF THE RECEIVER, IF ANY, SHALL CONSTITUTE TAXABLE DISBURSEMENTS AND ALL COSTS AND DISBURSEMENTS ALLOWED BY THE COURT SHALL BE A FIRST CHARGE ON ANY REVENUES DERIVED FROM THE PROPERTIES.

S 1114-J. STATE AND SEA GATE COMMUNITY NOT LIABLE ON AUTHORITY BONDS. NEITHER THE STATE NOR THE SEA GATE COMMUNITY SHALL BE LIABLE ON THE BONDS OF THE AUTHORITY AND SUCH BONDS SHALL NOT BE A DEBT OF THE STATE, OR THE SEA GATE COMMUNITY, AND SUCH BONDS SHALL CONTAIN, ON THE FACE THEREOF, A STATEMENT TO SUCH EFFECT.

S 1114-K. MONEYS OF THE AUTHORITY. ALL MONEYS OF THE AUTHORITY FROM WHATEVER SOURCE DERIVED SHALL BE PAID TO THE TREASURER OF THE AUTHORITY AND SHALL BE DEPOSITED FORTHWITH IN A BANK OR BANKS IN THE STATE DESIGNATED BY THE GOVERNING BODY. THE MONEYS IN SUCH ACCOUNTS SHALL BE PAID OUT ON CHECK OF THE TREASURER UPON REQUISITION BY THE GOVERNING BODY OR OF SUCH OTHER PERSON OR PERSONS AS THE GOVERNING BODY MAY AUTHORIZE TO MAKE SUCH REQUISITIONS. ALL DEPOSITS OF SUCH MONEYS SHALL BE SECURED BY OBLIGATIONS OF THE UNITED STATES OR OF THE STATE OR OF THE SEA GATE COMMUNITY OF A MARKET VALUE EQUAL AT ALL TIMES TO THE AMOUNT ON DEPOSIT AND ALL BANKS AND TRUST COMPANIES ARE AUTHORIZED TO GIVE SUCH SECURITY FOR SUCH DEPOSITS. THE AUTHORITY SHALL HAVE POWER, NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, TO CONTRACT WITH THE HOLDERS OF ANY BONDS AS TO THE CUSTODY, COLLECTION, SECURITY, INVESTMENT AND PAYMENT OF ANY MONEYS OF THE AUTHORITY OR ANY MONEYS HELD IN TRUST OR OTHERWISE FOR THE PAYMENT OF BONDS OR IN ANY WAY TO SECURE BONDS, AND TO CARRY OUT ANY SUCH CONTRACT NOTWITHSTANDING THAT SUCH CONTRACT MAY BE INCONSISTENT WITH THE PROVISIONS OF THIS SECTION. MONEYS HELD IN TRUST OR OTHERWISE FOR THE PAYMENT OF BONDS OR IN ANY WAY TO SECURE BONDS AND DEPOSITS OF SUCH MONEYS MAY BE SECURED IN THE SAME MANNER AS MONEYS OF THE AUTHORITY AND ALL BANKS AND TRUST COMPANIES ARE AUTHORIZED TO GIVE SUCH SECURITY FOR SUCH DEPOSITS. ANY MONEYS OF THE AUTHORITY NOT REQUIRED FOR IMMEDIATE USE OR DISBURSEMENT MAY, AT THE DISCRETION OF THE AUTHORITY, BE INVESTED IN THOSE OBLIGATIONS SPECIFIED PURSUANT TO THE PROVISIONS OF SECTION NINETY-EIGHT-A OF THE STATE FINANCE LAW. SUBJECT TO THE PROVISIONS OF ANY CONTRACT WITH BONDHOLDERS AND WITH THE APPROVAL OF THE COMPTROLLER, THE AUTHORITY SHALL PRESCRIBE A SYSTEM OF ACCOUNTS.

S 1114-L. BONDS LEGAL INVESTMENTS FOR FIDUCIARIES. THE BONDS OF THE AUTHORITY ARE HEREBY MADE SECURITIES IN WHICH ALL PUBLIC OFFICIALS AND BODIES OF THE STATE AND ALL MUNICIPALITIES, ALL INSURANCE COMPANIES AND ASSOCIATIONS AND OTHER PERSONS CARRYING ON AN INSURANCE BUSINESS, ALL BANKS, BANKERS, TRUST COMPANIES, SAVINGS BANKS AND SAVINGS ASSOCIATIONS, INCLUDING SAVINGS AND LOAN ASSOCIATIONS, INVESTMENT COMPANIES AND OTHER PERSONS CARRYING ON A BANKING BUSINESS, AND ADMINISTRATORS, GUARDIANS, EXECUTORS, TRUSTEES AND OTHER FIDUCIARIES AND ALL OTHER PERSONS WHATSOEVER, WHO ARE NOW OR MAY HEREAFTER BE AUTHORIZED TO INVEST IN BONDS OR OTHER OBLIGATIONS OF THE STATE, MAY PROPERLY AND LEGALLY INVEST FUNDS INCLUDING CAPITAL IN THEIR CONTROL OR BELONGING TO THEM. THE BONDS ARE ALSO HEREBY MADE SECURITIES WHICH MAY BE DEPOSITED WITH AND MAY BE RECEIVED BY ALL PUBLIC OFFICERS AND BODIES OF THIS STATE AND ALL MUNICIPALITIES FOR ANY PURPOSES FOR WHICH THE DEPOSIT OF BONDS OR OTHER OBLIGATIONS OF THIS STATE IS NOW OR HEREAFTER MAY BE AUTHORIZED.

S 1114-M. AGREEMENT OF THE STATE. THE STATE DOES HEREBY PLEDGE TO AND AGREE WITH THE HOLDERS OF ANY BONDS ISSUED BY THE AUTHORITY PURSUANT TO THIS TITLE THAT THE STATE WILL NOT ALTER OR LIMIT THE RIGHTS HEREBY VESTED IN THE AUTHORITY TO PURCHASE, CONSTRUCT, MAINTAIN, OPERATE,

REPAIR, IMPROVE, INCREASE, ENLARGE, EXTEND, RECONSTRUCT, RENOVATE, REHABILITATE OR DISPOSE OF ANY PROJECT, OR ANY PART OR PARTS THEREOF, FOR WHICH BONDS OF THE AUTHORITY SHALL HAVE BEEN ISSUED, TO ESTABLISH AND COLLECT RATES, RENTS, FEES AND OTHER CHARGES REFERRED TO IN THIS TITLE AND TO FULFILL THE TERMS OF ANY AGREEMENT MADE WITH OR FOR THE BENEFIT OF THE HOLDERS OF THE BONDS OR WITH ANY PUBLIC CORPORATION OR PERSON WITH REFERENCE TO SUCH PROJECT OR PART THEREOF, OR IN ANY WAY IMPAIR THE RIGHTS AND REMEDIES OF THE BONDHOLDERS, UNTIL THE BONDS, TOGETHER WITH THE INTEREST THEREON, INCLUDING INTEREST ON ANY UNPAID INSTALLMENTS OF INTEREST, AND ALL COSTS AND EXPENSES IN CONNECTION WITH ANY ACTION OR PROCEEDING BY OR ON BEHALF OF SUCH HOLDERS, ARE FULLY MET AND DISCHARGED. THE AUTHORITY IS AUTHORIZED TO INCLUDE THIS PLEDGE AND AGREEMENT OF THE STATE IN ANY AGREEMENT WITH BONDHOLDERS.

S 1114-N. EXEMPTION FROM TAXES, ASSESSMENTS AND CERTAIN FEES. 1. IT IS HEREBY DETERMINED THAT THE CREATION OF THE AUTHORITY AND THE CARRYING OUT OF ITS CORPORATE PURPOSES IS IN ALL RESPECTS FOR THE BENEFIT OF THE PEOPLE OF THE SEA GATE COMMUNITY AND THE STATE AND IS A PUBLIC PURPOSE AND THE AUTHORITY SHALL BE REGARDED AS PERFORMING A GOVERNMENTAL FUNCTION IN THE EXERCISE OF THE POWERS CONFERRED UPON IT BY THIS TITLE AND SHALL NOT BE REQUIRED TO PAY ANY TAXES, SPECIAL AD VALOREM LEVIES OR SPECIAL ASSESSMENTS UPON ANY PROPERTY OWNED BY IT OR UNDER ITS JURISDICTION, CONTROL OR SUPERVISION OR UPON ITS ACTIVITIES, OR ANY FILING, RECORDING OR TRANSFER FEES OR TAXES IN RELATION TO INSTRUMENTS FILED, RECORDED OR TRANSFERRED BY IT OR ON ITS BEHALF. THE CONSTRUCTION, USE, OCCUPATION OR POSSESSION OF ANY PROPERTY OWNED BY THE AUTHORITY OR THE SEA GATE COMMUNITY, INCLUDING IMPROVEMENTS THEREON, BY ANY PERSON OR PUBLIC CORPORATION UNDER A LEASE, LEASE AND SUBLEASE OR ANY OTHER AGREEMENT SHALL NOT OPERATE TO ABROGATE OR LIMIT THE FOREGOING EXEMPTION, NOTWITHSTANDING THAT THE LESSEE, USER, OCCUPANT OR PERSON IN POSSESSION SHALL CLAIM OWNERSHIP FOR FEDERAL INCOME TAX PURPOSES.

2. ANY BONDS ISSUED PURSUANT TO THIS TITLE TOGETHER WITH THE INCOME THEREFROM SHALL BE EXEMPT FROM TAXATION EXCEPT FOR TRANSFER AND ESTATE TAXES. THE REVENUES, MONEYS AND OTHER PROPERTIES AND ACTIVITIES OF THE AUTHORITY SHALL BE EXEMPT FROM TAXES AND GOVERNMENTAL FEES OR CHARGES, WHETHER IMPOSED BY THE STATE OR ANY MUNICIPALITY, INCLUDING REAL ESTATE TAXES, FRANCHISE TAXES, SALES TAXES OR OTHER EXCISE TAXES.

3. THE STATE HEREBY COVENANTS WITH THE PURCHASER AND WITH ALL SUBSEQUENT HOLDERS AND TRANSFEREES OF BONDS ISSUED BY THE AUTHORITY PURSUANT TO THIS TITLE, IN CONSIDERATION OF THE ACCEPTANCE OF AND PAYMENT FOR THE BONDS, THAT THE BONDS OF THE AUTHORITY ISSUED PURSUANT TO THIS TITLE AND THE INCOME THEREFROM SHALL BE EXEMPT FROM TAXATION, AS AFORESTATED IN SUBDIVISION TWO OF THIS SECTION, AND THAT ALL REVENUES, MONEYS, AND OTHER PROPERTY PLEDGED TO SECURE THE PAYMENT OF SUCH BONDS SHALL AT ALL TIMES BE FREE FROM SUCH TAXATION AS AFORESTATED IN SUCH SUBDIVISION.

S 1114-O. ACTIONS AGAINST AUTHORITY. 1. EXCEPT IN AN ACTION FOR WRONGFUL DEATH, NO ACTION OR SPECIAL PROCEEDING SHALL BE PROSECUTED OR MAINTAINED AGAINST THE AUTHORITY FOR PERSONAL INJURY OR DAMAGE TO REAL OR PERSONAL PROPERTY ALLEGED TO HAVE BEEN SUSTAINED BY REASON OF THE NEGLIGENCE OR WRONGFUL ACT OF THE AUTHORITY OR OF ANY MEMBER, OFFICER, AGENT OR EMPLOYEE THEREOF, UNLESS (A) A NOTICE OF CLAIM SHALL HAVE BEEN MADE AND SERVED UPON THE AUTHORITY WITHIN THE TIME LIMIT PRESCRIBED BY AND IN COMPLIANCE WITH SECTION FIFTY-E OF THE GENERAL MUNICIPAL LAW, (B) IT SHALL APPEAR BY AND AS AN ALLEGATION IN THE COMPLAINT OR MOVING PAPERS THAT AT LEAST THIRTY DAYS HAVE ELAPSED SINCE THE SERVICE OF SUCH NOTICE AND THAT ADJUSTMENT OR PAYMENT THEREOF HAS BEEN NEGLECTED OR REFUSED, AND (C) THE ACTION OR SPECIAL PROCEEDING SHALL BE COMMENCED WITHIN ONE

YEAR AND NINETY DAYS AFTER THE HAPPENING OF THE EVENT UPON WHICH THE CLAIM IS BASED. AN ACTION AGAINST THE AUTHORITY FOR WRONGFUL DEATH SHALL BE COMMENCED IN ACCORDANCE WITH THE NOTICE OF CLAIM AND TIME LIMITATION PROVISIONS OF TITLE ELEVEN OF ARTICLE NINE OF THIS CHAPTER.

2. WHEREVER A NOTICE OF CLAIM IS SERVED UPON THE AUTHORITY, IT SHALL HAVE THE RIGHT TO DEMAND AN EXAMINATION OF THE CLAIMANT RELATIVE TO THE OCCURRENCE AND EXTENT OF THE INJURIES OR DAMAGES FOR WHICH CLAIM IS MADE, IN ACCORDANCE WITH THE PROVISIONS OF SECTION FIFTY-H OF THE GENERAL MUNICIPAL LAW.

3. THE AUTHORITY MAY REQUIRE ANY PERSON, PRESENTING FOR SETTLEMENT AN ACCOUNT OR CLAIM FOR ANY CAUSE WHATEVER AGAINST THE AUTHORITY, TO BE SWORN BEFORE A MEMBER, COUNSEL, OFFICER OR EMPLOYEE OF THE AUTHORITY DESIGNATED FOR SUCH PURPOSE CONCERNING SUCH ACCOUNT OR CLAIM AND, WHEN SO SWORN, TO ANSWER ORALLY AS TO ANY FACTS RELATIVE TO SUCH ACCOUNT OR CLAIM. THE AUTHORITY SHALL HAVE POWER TO SETTLE OR ADJUST ALL CLAIMS IN FAVOR OF OR AGAINST THE AUTHORITY.

4. THE RATE OF INTEREST TO BE PAID BY THE AUTHORITY UPON ANY JUDGMENT FOR WHICH IT IS LIABLE, OTHER THAN A JUDGMENT ON ITS BONDS, SHALL BE THE RATE PRESCRIBED BY SECTION THREE-A OF THE GENERAL MUNICIPAL LAW. INTEREST ON PAYMENTS OF PRINCIPAL OR INTEREST ON ANY BONDS IN DEFAULT SHALL ACCRUE AT THE RATE OR RATES SET FORTH IN SUCH BONDS FROM THE DUE DATE THEREOF UNTIL PAID OR OTHERWISE SATISFIED.

S 1114-P. CONTRACTS. 1. ALL CONTRACTS OR ORDERS FOR WORK, MATERIAL OR SUPPLIES PERFORMED OR FURNISHED IN CONNECTION WITH CONSTRUCTION SHALL BE AWARDED BY THE AUTHORITY PURSUANT TO RESOLUTION OF THE GOVERNING BODY EXCEPT AS HEREINAFTER PROVIDED. SUCH AWARDS, WHEN APPLICABLE, SHALL BE MADE IN COMPLIANCE WITH PARAGRAPH (E) OF SUBDIVISION FOUR AND SUBDIVISION SEVEN OF SECTION ONE HUNDRED TWENTY-W OF THE GENERAL MUNICIPAL LAW. IN ANY CONSTRUCTION CONTRACT, THE AUTHORITY MAY PROVIDE A PROGRAM FOR THE PAYMENT OF DAMAGES FOR DELAYS AND INCENTIVE AWARDS IN ORDER TO ENCOURAGE TIMELY PROJECT COMPLETION. AN ACTION, SUIT OR PROCEEDING CONTESTING THE VALIDITY OF A CONTRACT AWARDED PURSUANT TO THIS SECTION, OR THE VALIDITY OF THE PROCEDURES RELATING TO SUCH AWARD, SHALL BE GOVERNED BY THE PROVISIONS OF SUBDIVISION SIX OF SECTION ONE HUNDRED TWENTY-W OF THE GENERAL MUNICIPAL LAW AND THE TERM "MUNICIPALITY" AS USED IN SUCH SUBDIVISION SIX SHALL MEAN THE AUTHORITY.

2. THE BIDDER WHOSE BID IS ACCEPTED SHALL GIVE SECURITY FOR THE FAITHFUL PERFORMANCE OF THE CONTRACT, AND SUCH OTHER SECURITY AS THE AUTHORITY MAY REQUIRE, AND MAY BE REQUIRED TO MAINTAIN ANY CONSTRUCTION DONE UNDER THE CONTRACT FOR SUCH PERIOD AS SHALL BE STIPULATED, ALL IN THE MANNER PRESCRIBED AND REQUIRED BY THE AUTHORITY, AND THE SUFFICIENCY OF SUCH SECURITY SHALL, IN ADDITION TO THE JUSTIFICATION AND ACKNOWLEDGEMENT, BE APPROVED BY THE AUTHORITY. ALL BIDS OR PROPOSALS SHALL BE PUBLICLY OPENED BY THE GOVERNING BODY OR ITS DULY AUTHORIZED AGENT. IF THE BIDDER WHOSE BID OR PROPOSAL HAS BEEN ACCEPTED AFTER ADVERTISING SHALL NEGLECT OR REFUSE TO ACCEPT THE CONTRACT WITHIN FIVE DAYS AFTER WRITTEN NOTICE THAT THE CONTRACT HAS BEEN AWARDED TO HIM ON HIS BID OR PROPOSAL, OR IF HE ACCEPTS BUT DOES NOT EXECUTE THE CONTRACT AND GIVE PROPER SECURITY, THE AUTHORITY SHALL HAVE THE RIGHT TO DECLARE HIS DEPOSIT FORFEITED. IN CASE ANY WORK SHALL BE ABANDONED BY ANY CONTRACTOR, THE AUTHORITY MAY, IF IT DETERMINES THAT THE PUBLIC INTEREST IS THEREBY SERVED, ADOPT ON BEHALF OF THE AUTHORITY ANY OR ALL SUBCONTRACTS MADE BY SUCH CONTRACTOR FOR SUCH WORK AND ALL SUCH SUBCONTRACTORS SHALL BE BOUND BY SUCH ADOPTION IF MADE. NO BID OR PROPOSAL SHALL BE ACCEPTED FROM, OR ANY CONTRACT AWARDED TO, ANY PERSON OR CORPORATION WHO IS IN ARREARS TO THE AUTHORITY OR THE SEA GATE COMMUNITY UPON ANY OBLIGATION

OF THE AUTHORITY OR OF THE SEA GATE COMMUNITY. EVERY CONTRACT INVOLVING AN EXPENDITURE OF MORE THAN FIVE THOUSAND DOLLARS WHEN MADE AND ENTERED INTO AS HEREIN PROVIDED FOR SHALL BE EXECUTED IN DUPLICATE, ONE COPY OF WHICH SHALL BE HELD BY THE AUTHORITY AND ONE COPY OF WHICH SHALL BE DELIVERED TO THE CONTRACTOR. THE AUTHORITY MAY ADOPT, UTILIZE, RATIFY AND CONFIRM ANY REQUEST FOR PROPOSALS, INVITATION FOR SEALED BIDS, PLANS, SPECIFICATIONS AND NOTICES HERETOFORE OR HEREAFTER PUBLISHED BY THE SEA GATE COMMUNITY WITH RESPECT TO ANY PROPOSED PROJECT, AND THE AUTHORITY MAY ADOPT, UTILIZE, ACCEPT AND CONFIRM ANY BIDS OR PROPOSALS SUBMITTED TO THE SEA GATE COMMUNITY AND HERETOFORE OR HEREAFTER RECEIVED AND PUBLICLY OPENED BY THE SEA GATE COMMUNITY. THE PROVISIONS OF THIS SECTION SHALL SUPERSEDE ANY INCONSISTENT PROVISIONS OF THE GENERAL MUNICIPAL LAW, ANY OTHER GENERAL, SPECIAL OR LOCAL LAW, OR THE CHARTER OF THE SEA GATE COMMUNITY.

S 1114-Q. INTEREST IN CONTRACTS PROHIBITED. IT SHALL BE A MISDEMEANOR FOR ANY MEMBER OF THE GOVERNING BODY OR ANY OFFICER, AGENT, SERVANT OR EMPLOYEE OF THE AUTHORITY TO BE IN ANY WAY OR MANNER INTERESTED, DIRECTLY OR INDIRECTLY, IN THE FURNISHING OF WORK, MATERIALS, SUPPLIES OR LABOR, OR IN ANY CONTRACT THEREFOR WHICH THE AUTHORITY IS EMPOWERED BY THIS TITLE TO MAKE.

S 1114-R. AUDIT AND ANNUAL REPORT. IN CONFORMITY WITH THE PROVISIONS OF SECTION FIVE OF ARTICLE TEN OF THE CONSTITUTION, THE ACCOUNTS OF THE AUTHORITY SHALL BE SUBJECT TO THE SUPERVISION OF THE COMPTROLLER. THE AUTHORITY SHALL ANNUALLY SUBMIT TO THE GOVERNOR AND COMPTROLLER AND TO THE STATE LEGISLATURE A DETAILED REPORT PURSUANT TO THE PROVISIONS OF SECTION TWO THOUSAND EIGHT HUNDRED OF THIS CHAPTER, AND A COPY OF SUCH REPORT SHALL BE FILED WITH THE CHIEF EXECUTIVE OFFICER. THE AUTHORITY SHALL COMPLY WITH THE PROVISIONS OF SECTIONS TWO THOUSAND EIGHT HUNDRED ONE, TWO THOUSAND EIGHT HUNDRED TWO, AND TWO THOUSAND EIGHT HUNDRED THREE OF THIS CHAPTER.

S 1114-S. LIMITED LIABILITY. NEITHER THE MEMBERS OF THE GOVERNING BODY, NOR ANY MUNICIPALITY, OFFICER OR EMPLOYEE ACTING IN ITS BEHALF, WHILE ACTING WITHIN THE SCOPE OF THEIR AUTHORITY, SHALL BE SUBJECT TO ANY PERSONAL LIABILITY RESULTING FROM THE CONSTRUCTION, MAINTENANCE OR OPERATION OF ANY OF THE PROPERTIES OF THE AUTHORITY OR FROM CARRYING OUT ANY OF THE POWERS EXPRESSLY GIVEN IN THIS TITLE; PROVIDED, HOWEVER, THAT THIS SECTION SHALL NOT BE HELD TO APPLY TO ANY INDEPENDENT CONTRACTOR.

S 1114-T. ENVIRONMENTAL APPLICATIONS, PROCEEDINGS, APPROVALS AND PERMITS. 1. ANY APPLICATION IN RELATION TO THE PURPOSES OF OR CONTEMPLATED BY THIS TITLE HERETOFORE FILED, OR ANY PROCEEDING HERETOFORE COMMENCED, BY THE SEA GATE COMMUNITY WITH THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, THE DEPARTMENT OF TRANSPORTATION OR ANY OTHER STATE AGENCY OR INSTRUMENTALITY OR WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OR ANY OTHER FEDERAL AGENCY OR INSTRUMENTALITY SHALL INURE TO AND FOR THE BENEFIT OF THE AUTHORITY TO THE SAME EXTENT AND IN THE SAME MANNER AS IF THE AUTHORITY HAD BEEN A PARTY TO SUCH APPLICATION OR PROCEEDING FROM ITS INCEPTION, AND THE AUTHORITY SHALL BE DEEMED A PARTY THERETO, TO THE EXTENT NOT PROHIBITED BY ANY FEDERAL LAW. ANY LICENSE, APPROVAL, PERMIT OR DECISION HERETOFORE OR HEREAFTER ISSUED OR GRANTED PURSUANT TO OR AS A RESULT OF ANY SUCH APPLICATION OR PROCEEDING SHALL INURE TO THE BENEFIT OF AND BE BINDING UPON THE AUTHORITY AND SHALL BE ASSIGNED AND TRANSFERRED BY THE SEA GATE COMMUNITY TO THE AUTHORITY, UNLESS SUCH ASSIGNMENT AND TRANSFER IS PROHIBITED BY FEDERAL LAW.

2. ALL SUCH APPLICATIONS, PROCEEDINGS, LICENSES, APPROVALS, PERMITS AND DECISIONS SHALL FURTHER INURE TO AND FOR THE BENEFIT OF AND BE BIND-

ING UPON ANY PERSON LEASING, ACQUIRING, CONSTRUCTING, MAINTAINING, USING OR OCCUPYING ANY FACILITY FINANCED IN WHOLE OR IN PART BY THE AUTHORITY.

S 1114-U. SEA GATE COMMUNITY MAY LEVY TAX WITHIN DISTRICT. SHOULD IT APPEAR TO THE BOARD OF DIRECTORS OF THE SEA GATE COMMUNITY AT ANY TIME THAT THE REVENUE OF THE AUTHORITY IS OR WILL BE INSUFFICIENT TO PROVIDE FOR THE PAYMENT OF ANY BONDS ISSUED UNDER THIS TITLE AND TO REIMBURSE THE SEA GATE COMMUNITY FOR ANY MONEYS THAT IT MAY HAVE ADVANCED TO THE AUTHORITY, THE BOARD OF DIRECTORS OF THE SEA GATE COMMUNITY SHALL DETERMINE THE AMOUNT OF MONEY OF NECESSARY TO BE RAISED FOR SUCH PURPOSE, AND SHALL LEVY A TAX ON THE TERRITORY OF THE DISTRICT LOCATED WITHIN THE SEA GATE COMMUNITY AND UPON THE SEVERAL PARCELS OF REAL ESTATE IN THE DISTRICT LOCATED WITHIN THE SEA GATE COMMUNITY IN AN AMOUNT SUFFICIENT TO PRODUCE THE AMOUNT NECESSARY TO BE RAISED AS AFORESAID; PROVIDED THAT SUCH TAX SHALL NOT BE LEVIED TO PAY ANY BONDS OF THE AUTHORITY UNLESS THE AUTHORITY WITH THE CONSENT OF THE BOARD OF DIRECTORS OF THE SEA GATE COMMUNITY HAS PLEDGED SUCH TAX PRIOR TO THE ISSUANCE OF SUCH BONDS. SUCH TAX SHALL BE LEVIED AND APPORTIONED UPON SUCH TERRITORY LOCATED WITHIN THE SEA GATE COMMUNITY AND COLLECTED FROM THE SEVERAL PARCELS OF REAL ESTATE IN THE DISTRICT LOCATED WITHIN THE SEA GATE COMMUNITY IN LIKE MANNER AS OTHER SEA GATE COMMUNITY TAXES. IT IS HEREBY DETERMINED THAT THE LIABILITY IMPOSED UPON THE TERRITORY INCLUDED IN THE DISTRICT LOCATED WITHIN THE SEA GATE COMMUNITY IS BASED UPON THE SPECIAL BENEFIT TO SUCH TERRITORY ACCRUING UNDER THIS TITLE AND THAT THE TAX TO BE LEVIED BECAUSE OF SUCH LIABILITY AND IN PROPORTION TO THE TAXABLE VALUE OF REAL ESTATE IN SUCH TERRITORY WILL BE IN PROPORTION TO SUCH BENEFITS.

S 1114-V. AUTHORITY AND WATER BOARD TO TAKE AFFIRMATIVE ACTION. 1. EACH CONTRACTING AGENCY WHICH AWARDS CONTRACTS FOR DESIGN, CONSTRUCTION, SERVICES OR MATERIALS FOR WATER PROJECTS AUTHORIZED BY THIS TITLE SHALL REQUIRE THAT SUCH CONTRACTS AND DOCUMENTS SOLICITING BIDS OR PROPOSALS THEREFOR SHALL CONTAIN OR MAKE REFERENCE TO THE FOLLOWING PROVISIONS:

(A) THE CONTRACTOR WILL NOT DISCRIMINATE AGAINST EMPLOYEES OR APPLICANTS FOR EMPLOYMENT BECAUSE OF RACE, CREED, COLOR, NATIONAL ORIGIN, SEX, AGE, DISABILITY, OR MARITAL STATUS, AND WILL UNDERTAKE OR CONTINUE PROGRAMS OF AFFIRMATIVE ACTION TO INSURE THAT MINORITY GROUP PERSONS AND WOMEN ARE AFFORDED EQUAL EMPLOYMENT OPPORTUNITY WITHOUT DISCRIMINATION. SUCH ACTION SHALL BE TAKEN WITH REFERENCE, BUT NOT BE LIMITED TO RECRUITMENT, EMPLOYMENT, JOB ASSIGNMENT, PROMOTION, UPGRADING, DEMOTION, TRANSFER, LAYOFF, TERMINATION, RATES OF PAY OR OTHER FORMS OF COMPENSATION, AND SELECTIONS FOR TRAINING OR RETRAINING, INCLUDING APPRENTICESHIP AND ON-THE-JOB TRAINING.

(B) AT THE REQUEST OF THE CONTRACTING AGENCY, THE CONTRACTOR SHALL REQUEST EACH EMPLOYMENT AGENCY, LABOR UNION, OR AUTHORIZED REPRESENTATIVE OF WORKERS WITH WHICH HE HAS A COLLECTIVE BARGAINING OR OTHER AGREEMENT OR UNDERSTANDING, TO FURNISH A WRITTEN STATEMENT THAT SUCH EMPLOYMENT AGENCY, LABOR UNION OR REPRESENTATIVE SHALL NOT DISCRIMINATE BECAUSE OF RACE, CREED, COLOR, NATIONAL ORIGIN, SEX, AGE, DISABILITY OR MARITAL STATUS AND THAT SUCH UNION OR REPRESENTATIVE WILL COOPERATE IN THE IMPLEMENTATION OF THE CONTRACTOR'S OBLIGATIONS HEREUNDER.

(C) THE CONTRACTOR WILL STATE, IN ALL SOLICITATIONS OR ADVERTISEMENTS FOR EMPLOYEES PLACED BY OR ON BEHALF OF THE CONTRACTOR, IN PERFORMANCE OF THE CONTRACT THAT ALL QUALIFIED APPLICANTS WILL BE AFFORDED EQUAL EMPLOYMENT OPPORTUNITY WITHOUT DISCRIMINATION BECAUSE OF RACE, CREED, COLOR, NATIONAL ORIGIN, SEX, AGE, DISABILITY OR MARITAL STATUS.

(D) THE CONTRACTOR WILL INCLUDE THE PROVISIONS OF PARAGRAPHS (A), (B) AND (C) OF THIS SUBDIVISION IN EVERY SUBCONTRACT OR PURCHASE ORDER IN

SUCH A MANNER THAT SUCH PROVISIONS WILL BE BINDING UPON EACH SUBCONTRACTOR OR VENDOR AS TO ITS WORKING CONNECTION WITH A CONTRACT.

2. EACH CONTRACTING AGENCY SHALL ESTABLISH PROCEDURES AND GUIDELINES TO ENSURE THAT CONTRACTORS AND SUBCONTRACTORS UNDERTAKE PROGRAMS OF AFFIRMATIVE ACTION AS REQUIRED BY THIS SECTION. SUCH PROCEDURES MAY REQUIRE, AFTER NOTICE IN A BID SOLICITATION, THE SUBMISSION OF AN AFFIRMATIVE ACTION PROGRAM PRIOR TO THE AWARD OF ANY CONTRACT, OR AT ANY TIME THEREAFTER, AND MAY REQUIRE THE SUBMISSION OF COMPLIANCE REPORTS RELATING TO THE OPERATION AND IMPLEMENTATION OF ANY AFFIRMATIVE ACTION PROGRAM ADOPTED HEREUNDER. SUCH PROCEDURES AND GUIDELINES SHALL BE CONSISTENT WITH THE GUIDELINES PROMULGATED BY THE OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS OF THE UNITED STATES DEPARTMENT OF LABOR PURSUANT TO PRESIDENTIAL EXECUTIVE ORDER ELEVEN THOUSAND TWO HUNDRED FORTY-SIX, AS AMENDED, AND ANY STATE STATUTORY OR REGULATORY REQUIREMENTS. A CONTRACTING AGENCY SHALL, IN THE PROMULGATION OF PROCEDURES AND GUIDELINES PURSUANT TO THIS SECTION, COOPERATE WITH ANY FEDERAL, STATE OR LOCAL AGENCY ESTABLISHED FOR THE PURPOSE OF IMPLEMENTING AFFIRMATIVE ACTION COMPLIANCE PROGRAMS.

3. ANY CONTRACTING AGENCY EMPOWERED TO AWARD CONTRACTS FOR DESIGN, CONSTRUCTION, SERVICES OR MATERIALS SHALL SEEK MEANINGFUL PARTICIPATION IN THE PERFORMANCE OF CONTRACTS BY MINORITY BUSINESS ENTERPRISES AND SHALL ESTABLISH MEASURES AND PROCEDURES TO IDENTIFY THOSE CONTRACTS AND ITEMS OF WORK FOR WHICH MINORITY BUSINESS ENTERPRISES MAY BEST BID TO ACTIVELY AND AFFIRMATIVELY PROMOTE AND ASSIST THEIR PARTICIPATION SO AS TO FACILITATE THE AWARD OF A FAIR SHARE OF CONTRACTS TO SUCH ENTERPRISES. FOR PURPOSES HEREOF, "MINORITY BUSINESS ENTERPRISE" SHALL MEAN ANY BUSINESS ENTERPRISE WHICH IS AT LEAST FIFTY-ONE PER CENTUM OWNED BY, OR IN THE CASE OF A PUBLICLY OWNED BUSINESS, AT LEAST FIFTY-ONE PER CENTUM OF THE STOCK OF WHICH IS OWNED BY CITIZENS OR PERMANENT RESIDENT ALIENS WHO ARE BLACK, HISPANIC, ASIAN, AMERICAN INDIAN OR WOMEN, AND SUCH OWNERSHIP INTEREST IS REAL, SUBSTANTIAL AND CONTINUING. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT BE CONSTRUED TO LIMIT THE ABILITY OF ANY MINORITY BUSINESS ENTERPRISE TO BID ON ANY CONTRACT.

4. IN THE IMPLEMENTATION OF SUBDIVISIONS TWO AND THREE OF THIS SECTION, THE CONTRACTING AGENCY SHALL CONSIDER COMPLIANCE BY ANY CONTRACTOR WITH THE REQUIREMENTS OF ANY FEDERAL, STATE OR LOCAL LAW CONCERNING MINORITY BUSINESS ENTERPRISES OR EQUAL EMPLOYMENT OPPORTUNITY, WHICH MAY EFFECTUATE THE REQUIREMENTS OF THIS SECTION. IF THE CONTRACTING AGENCY DETERMINES THAT BY VIRTUE OF THE IMPOSITION OF THE REQUIREMENTS OF ANY SUCH LAW, IN RESPECT TO CONTRACTS AFFECTED BY THIS SECTION, THAT THE PROVISIONS THEREOF DUPLICATE OR CONFLICT WITH SUCH LAW, THE CONTRACTING AGENCY SHALL WAIVE THE APPLICABILITY OF THIS SECTION TO THE EXTENT OF SUCH DUPLICATION OR CONFLICT.

5. IN ORDER TO IMPLEMENT THE REQUIREMENTS AND OBJECTIVES OF THIS SECTION, CONTRACTING AGENCIES SHALL BE RESPONSIBLE FOR MONITORING THE CONTRACTORS' COMPLIANCE WITH THE PROVISIONS HEREOF, FOR ADVISING CONTRACTORS ON THE AVAILABILITY OF COMPETING QUALIFIED MINORITY BUSINESS ENTERPRISES TO PERFORM CONTRACTS PROPOSED TO BE AWARDED AND FOR MAKING RECOMMENDATIONS TO CONTRACTORS TO IMPROVE THE ACCESS OF MINORITY BUSINESS ENTERPRISES TO SUCH CONTRACTS.

S 1114-W. SEPARABILITY. IF ANY SECTION, CLAUSE OR PROVISION IN THIS TITLE SHALL BE HELD BY A COMPETENT COURT TO BE UNCONSTITUTIONAL OR INEFFECTIVE IN WHOLE OR IN PART, TO THE EXTENT THAT IT IS NOT UNCONSTITUTIONAL OR INEFFECTIVE, IT SHALL BE VALID AND EFFECTIVE, AND NO OTHER SECTION, CLAUSE OR PROVISION SHALL ON ACCOUNT THEREOF BE DEEMED INVALID OR INEFFECTIVE.

S 1114-X. EFFECT OF INCONSISTENT PROVISIONS. INSOFAR AS THE PROVISIONS OF THIS TITLE ARE INCONSISTENT WITH THE PROVISIONS OF ANY OTHER ACT, GENERAL OR SPECIAL, OR OF ANY CHARTER, LOCAL LAW, ORDINANCE OR RESOLUTION OF THE SEA GATE COMMUNITY, OR OTHER MUNICIPALITY, THE PROVISIONS OF THIS TITLE SHALL BE CONTROLLING. NOTHING CONTAINED IN THIS SECTION SHALL BE HELD TO SUPPLEMENT OR OTHERWISE EXPAND THE POWERS OR DUTIES OF THE AUTHORITY OTHERWISE SET FORTH IN THIS TITLE.

S 2. Creation of Sea Gate police department. Notwithstanding the provisions of any law, general or special, the board of directors of the Sea Gate community in the city of New York, upon the adoption of propositions therefor, may determine to create a police department for such community to be known as the Sea Gate police department. Such police department shall have a chief of police, to be appointed by such board of directors.

S 3. Transfer of functions, powers and duties. All functions, powers, duties and obligations of the former Sea Gate police department are hereby transferred to Sea Gate police department created pursuant to section two of this act.

S 4. Transfer of employees. Upon transfer of the functions of the former Sea Gate police department to the Sea Gate police department created pursuant to section two of this act, provisions shall be made for the transfer to such police department of those employees of such former police department who were engaged in carrying out the functions transferred by this act.

S 5. Transfer of records. All books, papers and property of the former Sea Gate police department are to be delivered to the police department created pursuant to section two of this act at such place and time, and in such manner as such police department shall require.

S 6. Continuity of authority. For the purpose of succession to all functions, powers, duties and obligations of the former Sea Gate police department transferred to and assumed by the police department created pursuant to section two of this act, such police department shall continue the operation thereof as if performed by such former department.

S 7. Completion of unfinished business. Any business or other matter undertaken or commenced by the former Sea Gate police department pertaining to or connected with the functions, powers, duties and obligations transferred and assigned to the police department created pursuant to section two of this act and pending on the effective date of this act shall be conducted and completed by the police department created by section two of this act in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by such former police department.

S 8. Continuation of rules and regulations. All rules, regulations, acts, orders, determinations and decisions of the former Sea Gate police department in force at the time of such transfer and assumption, shall continue in force and effect as rules, regulations, acts, orders, determinations and decisions of the police department created pursuant to section two of this act until duly modified or abrogated.

S 9. Terms occurring in laws, contracts and other documents. Whenever the former Sea Gate police department is referred to or designated in any law, contract or document pertaining to the functions, powers, obligations and duties transferred and assigned pursuant to this act, such reference or designation shall be deemed to refer to the police department created pursuant to section two of this act.

S 10. Existing rights and remedies preserved. No existing right or remedy of any character shall be lost, impaired or affected by reason of any transfer or assignment pursuant to this act.

S 11. Pending actions or proceedings. No action or proceeding pending upon the effective date of this act relating to the functions, powers and duties of the former Sea Gate police department transferred to the police department created pursuant to section two of this act, brought by or against such former police department, shall be affected by any provision of this act, but the same may be prosecuted or defended in the name of the police department created pursuant to section two of this act. In all such actions and proceedings, the police department created by section two of this act, upon application to the court, shall be substituted as a party.

S 12. Transfer of appropriations heretofore made. Subject to the approval of the director of the division of the budget, all appropriations and reappropriations heretofore made to the former Sea Gate police department for the purposes and functions transferred pursuant to this act to the police department created pursuant to section two of this act, to the extent of remaining unexpended or unencumbered balance thereof, whether allocated or unallocated, and whether obligated or unobligated, are hereby transferred to and made available for use and expenditure by the police department created pursuant to section two of this act for the same purposes for which originally appropriated or reappropriated and shall be payable on vouchers certified or approved by the executive director on audit and warrant of the comptroller. Payments for liabilities for expenses of personal services, maintenance and operation heretofore incurred by and for liabilities incurred and to be incurred in completing the affairs of the former Sea Gate police department with respect to the powers, duties and functions transferred in this act, shall also be made on vouchers or certificates approved by the executive director on audit and warrant of the comptroller.

S 13. Transfer of assets and liabilities. All assets and liabilities of the former Sea Gate police department are hereby transferred to and assumed by the police department created by section two of this act.

S 14. The police department created by section two of this act is hereby directed to immediately take any and all actions necessary to enable it to assume all powers, duties and functions of the former Sea Gate police department within 90 days of the effective date of this act.

S 15. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 16. This act shall take effect immediately.