*** § 1114-d. South Nassau water authority.** 1. A corporation known as "South Nassau water authority" is hereby created for the purposes and charged with the duties and having the powers provided in this title. The authority shall be a corporate governmental agency constituting a public benefit corporation and shall be a "public district" for the purposes of section eighty-nine of the public service law. The authority shall be governed by a board of directors consisting of five members. The governing board of the town of Hempstead shall appoint three members, and the Nassau county legislature shall appoint two members who are residents serviced by the water authority of South Nassau. Each member shall serve for a period of two years. Each chief executive officer shall file with the secretary of state a certificate of appointment or reappointment of any member appointed or reappointed by such chief executive officer within thirty days of the appointment or reappointment. Members shall receive no compensation for their services but shall be entitled to reimbursement of their necessary expenses, including traveling expenses, incurred in the discharge of their duties. Nothing in this section shall be construed as preventing a chief executive officer of a municipality from appointing himself or herself to be a member of the board of directors.

2. If the authority decides to enter into a contract to purchase or otherwise acquire an interest in the New York American water service corporation or to initiate a condemnation proceeding pursuant to the eminent domain procedure law for the area it services within the South Nassau water authority district, prior to entering into any contract to purchase or otherwise acquire an interest in the New York American water service corporation or the initiation of any condemnation proceeding by the authority pursuant to the eminent domain procedure law for the area it services within the South Nassau water authority district, the authority shall provide ratepayers within the area serviced by the New York American water service corporation and the public with public forums for the expression and discussion of views regarding such purchase, acquisition or condemnation of the New York American water service corporation. The authority shall hold at least one forum in the town of Hempstead.

3. If the authority decides to enter into a contract to purchase or otherwise acquire an interest in the New York American water service corporation or to initiate a condemnation proceeding pursuant to the eminent domain procedure law for the area it services within the South Nassau water authority district, the authority is authorized to provide registered voters within the area serviced by the New York American water service corporation within the South Nassau water authority district prior to entering into such contract to purchase or otherwise acquire an interest in the New York American water service corporation or the initiation of any condemnation proceeding by the authority pursuant to the eminent domain procedure law for the area the New York American water service corporation services within the South Nassau water authority district, with a nonbinding referendum, regarding whether the authority should enter into a contract to purchase or otherwise acquire an interest in the New York American water service corporation or initiate condemnation proceedings pursuant to the eminent domain procedure law for the area it services within the South Nassau water authority district. The proposition shall be placed on the ballot and voted upon at a special election on a date to be determined by the Nassau county board of elections.

4. Any one or more of the members of the board of directors may be an official or an employee of a municipality situated within the district. In the event that an official or an employee of such municipality shall be elected as a member of the board of directors, acceptance or retention of such appointment shall not be deemed a forfeiture of his or her municipal office or employment, or incompatible therewith or affect his or her tenure or compensation in any way.

5. No action shall be taken by the authority except pursuant to the favorable vote of a simple majority of the board of directors.

6. The powers of the authority shall be vested in and shall be exercised by the board of directors at a meeting duly called and held. Three members of the board of directors, who together are authorized to cast a majority of the vote, shall constitute a quorum. The board of directors may delegate to one or more of its members, or to one or more

of the officers, agents or employees of the authority, such powers and duties as it may deem proper.

7. The officers of the authority shall consist of a chairperson, vice chairperson, deputy chairperson, treasurer, and secretary, who shall not be members of the board of directors. The officers of the authority shall be appointed by the board of directors. The board of directors may appoint and at its pleasure remove an attorney and an engineer, which positions, in addition to the officers above named, shall be in the exempt class of the civil service and such additional officers and employees as it may require for the performance of its duties, fix and determine their qualifications, duties, compensations and terms of office or tenure, subject to the provisions of the civil service law of the state and such rules as the civil service commission may adopt and make applicable to the authority. The authority may also from time to time contract for expert professional services. The duties of the officers shall be as follows:

(a) Chairperson. The chairperson shall be the chief executive officer of the authority and it shall be the responsibility of the chairperson to:

(i) preside at all meetings of the board of directors and of the officers;

(ii) manage the water facility, the transmission facility and the distribution system and to effectuate the decisions of the board of directors;

(iii) exercise supervision over the conduct of the officers and employees of the authority;

(iv) report annually to each customer, either by mail or by publication once in a newspaper having general circulation within the district; such report shall include but not be limited to the following information:

(1) a brief financial account on operations of the water system including, but not limited to, water rates, total revenues, operating and maintenance expenses, and interest on bonds and notes;

(2) the population served by the authority;

(3) the number of wells, towers and other storage facilities operated by the authority;

(4) the total pumpage of groundwater including the amount received through interdistrict interconnections and the estimated amount lost from the system;

(5) the single highest level from each well of each synthetic organic chemical, nitrate and chloride constituent tested for by the authority at any time during the year which exceeds the applicable county water quality standard or guideline, that standard or guideline, the site of each well at which each reported constituent was found, and the date on which each reported constituent was analyzed;

(6) the highest level from each well of each synthetic organic chemical, nitrate and chloride constituent tested for by the authority at any time during the year which does not exceed the applicable county water standard or guideline, but which contains a level equal to or greater than two-thirds of the amount permitted before exceeding a standard or guideline, that standard or guideline, the site of each well at which each reported constituent was found and the date on which each reported constituent was analyzed;

(7) once every five years, the highest level of any constituent discovered within the distribution system which contains a level equal to or greater than two-thirds of the amount permitted before exceeding a standard or guideline, that standard or guideline, and the resulting action taken by the authority;

(8) any well restricted, removed from service or otherwise limited in its use and the cause for such action;

(9) any actions taken to secure new supplies or replace lost capacity;

(10) the types of treatment which the water receives before entering the distribution system;

(11) any compliance activities required by regulations of the department of environmental conservation or the department of health or any local health department and any instances of noncompliance;

(12) the present condition of the distribution system and any significant actions, as determined by the authority, to improve or maintain the system;

(13) any special public services the authority provides during the year; and

(14) information on water conservation measures customers can implement, such as, but not limited to, retrofitting plumbing fixtures,

altering irrigation timing, using irrigation sensors, leak detection, proper use of water-consuming appliances, daily conscientious use of water and estimated savings of water, energy, and money, from use of these measures;

(v) execute all contracts in the name of the authority;

(vi) institute, at the direction of the board of directors, all civil actions in the name of the authority;

(vii) provide for the enforcement of all of the rules and regulations of the authority and cause all violations thereof to be prosecuted;

(viii) sign orders to pay claims when authorized by the board of directors;

(ix) sign checks in the absence or inability of the treasurer or deputy treasurer, if any, when authorized by the board of directors; and a certified copy of a resolution of the board of directors to that effect shall be notice to the depository of such authorization;

(x) appoint, subject to the approval of the board of directors, nonelected officers, counsel, accountants, and other financial advisors, engineers and other technical advisors;

(xi) employ, promote and discharge managers, supervisors and employees; and

(xii) take all other reasonable and necessary actions to carry out his or her office as the chief executive of the authority. If the chairperson has not been appointed as a member of the board of directors of the authority pursuant to this section, such chairperson shall be deemed an ex officio member of the board of directors. Such status shall not carry with it the right to vote on matters coming before the board of directors nor shall the presence of such chairperson be counted for the purpose of determining a quorum.

(b) Vice chairperson. The vice chairperson shall perform all duties delegated to him or her by the chairperson and, in the absence or during the disability of the chairperson, the vice chairperson shall act as chairperson.

(c) Deputy chairperson. The deputy chairperson shall perform all duties delegated to him or her by the chairperson or the vice chairperson.

(d) Secretary. (i) The secretary shall be the recording and corresponding officer of the authority and the custodian of the records

of the authority.

(ii) The secretary shall prepare and send required notices of all meetings when directed to do so by the chairperson or by the written request of four members who have specified the issues to be discussed at the meeting.

(iii) In the absence or disability of the secretary, the chairperson may appoint a temporary secretary.

(e) Treasurer. (i) The treasurer shall have custody of all moneys belonging to the authority and keep accounts of all receipts and expenditures in conformance with a uniform system of accounts formulated and prescribed by the comptroller pursuant to section thirty-six of the general municipal law.

(ii) 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 board of directors and the premium therefor shall be paid by the authority.

(iii) The treasurer shall deposit, within ten days after receipt thereof, in the name of the authority, in one or more banks, and/or trust companies, designated by the board of directors, all moneys received by him or her.

(iv) The treasurer may sign checks with the facsimile signature of the treasurer, as reproduced by a machine or device commonly known as a checksigner, when authorized by the board of directors.

(v) The treasurer shall pay out moneys from the authority treasury only as authorized by the board of directors and by law. All such payments, except as may be authorized by the board of directors for a petty cash account, shall be by check.

(vi) The treasurer shall issue a report on the finances of the authority at each regular meeting of the board of directors.

(vii) The treasurer shall file in the office of the authority, within sixty days after the end of the fiscal year, a statement showing in detail all revenues and expenditures during the previous fiscal year and the outstanding indebtedness of the authority as of the end of the fiscal year. The members shall, within ten days, cause to be published once in a newspaper having general circulation within the district, a notice that the annual financial statement has been filed and is available for inspection or a summary of such statement in a form

approved by the comptroller, with an endorsement thereon that details thereof are on file in the office of the authority. The members shall cause to be audited by a certified public accountant engaged for that purpose, such report and supporting records.

8. The terms of the chairperson, vice chairperson and deputy chairperson first appointed shall be staggered, the chairperson first appointed shall serve for a period of four years, the vice chairperson first appointed shall serve for a period of three years and the deputy chairperson first appointed shall serve for a period of two years; thereafter their successors shall serve for terms of four years. The remaining officers shall each serve terms of one year. The board of directors shall have the right, at any time, to extend any such term, for a period of months, to provide that such term terminates contemporaneously with the end of the fiscal year of the authority.

9. The officers of the authority shall receive such compensation for their services as shall be fixed by the board of directors and shall be reimbursed for all necessary and actual expenses incurred in connection with their duties as such officers and in connection with the carrying out of the purposes of this title.

10. 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 municipalities within the district. Such property shall be apportioned and distributed among the municipalities within the district in direct proportion to their voting on the date of the termination of the authority.

11. In addition to any powers granted to it by law, the governing body of each of the municipalities within the district, from time to time, may appropriate sums of money to defray project costs or any other costs and expenses of the authority. Subject to the rights of bondholders,

each governing body may determine if the moneys so appropriated shall be subject to repayment by the authority to the municipalities, and in such event, the manner and time or times for such repayment.

12. Neither the public service commission nor any other board or commission of like character, shall have jurisdiction over the authority in the management and control of its properties or operations or any power over the regulation of rates fixed or charges collected by the authority.

13. It is hereby determined and declared that the authority and the carrying out of its powers, purposes and duties are in all respects for the benefit of the people of the municipalities within the district and state, for the improvement of their health, welfare and prosperity and that the said 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.

* NB There are 2 § 1114-d's