§ 1115-e. Water board. 1. A city water board may be created by a special act of the state legislature at the request of the city as a body corporate and politic, constituting a corporate municipal instrumentality of the state and having the powers and duties as provided in this title.

2. The water board shall consist of five members, who shall be residents of the city and appointed by the mayor. The first members appointed by the mayor 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 the special act of the state legislature creating the water board shall have become law, two for a term ending on December thirty-first of the third year following the year in which such special act shall have become law, and two for a term ending on December thirty-first of the fourth year following the year in which such special act 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. No member shall be a member of the governing body of the authority. Any member appointed by the mayor who is not an employee of the city of Albany shall be deemed a public member. All members shall continue to hold office until their successors are appointed and qualified. Vacancies shall be filled in the manner provided for original appointments. 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 the city. Each public member shall be entitled to a salary of five thousand dollars per annum. All members shall receive no reimbursement for the ordinary expenses of attending meetings, but may by resolution of the water board be allowed their expenses of a special or extraordinary nature. A public member may receive additional compensation to be fixed by the members, if appointed an officer of the water board. The powers of the water board shall be vested in and be exercised by the governing body at a meeting duly called and held where a quorum of three members is 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.

3. The officers of the water board shall consist of a chairman, a vice-chairman and a treasurer, who shall be members of the water board, and a secretary, who need not be a member of the water board. 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, 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 water board.

4. Notwithstanding any inconsistent provision of any general, special or local law, ordinance, resolution or charter, no officer, member or employee of the state, the city, any other municipality, or any public benefit corporation, shall be deemed to have forfeited or shall forfeit his or her office or employment or any benefits provided under the retirement and social security law by reason of his or her acceptance of appointment as a member, officer, agent or employee of the water board, nor shall service as such member, officer, agent or employee be deemed incompatible or in conflict with such office, membership or employment.

5. (a) The mayor shall file on or before March thirty-first of the year following the year in which the special act of the state legislature creating the water board shall have become law, in the office of the secretary of state, a certificate signed by the mayor setting forth: (1) the name of the water board; (2) the names of the members appointed by the mayor and their terms of office; and (3) the effective date of the special act of the state legislature creating the water board. If such certificate is not filed with the secretary of

state on or before such date, then the corporate existence of the water board shall thereupon terminate and it shall thereupon be deemed to be and shall be dissolved.

(b) The water board and its corporate existence shall continue until terminated by law, provided, however, that no such law shall take effect so long as the water board shall have contractual duties or obligations outstanding unless adequate provision has been made for the satisfaction thereof. Upon termination of the existence of the water board, all of the rights and properties of the water board then remaining shall pass to and vest in the city.

6. It is hereby determined and declared that the water board and the carrying out of its powers and duties are in all respects for the benefit of the people of the city and the state for the improvement of their health, welfare and prosperity and that such purposes are public purposes and that the water board is and will be performing an essential governmental function in the exercise of the powers conferred upon it by this title.