*** § 1123. Dutchess county water and wastewater authority.** 1. A public corporation, to be known as the "Dutchess county water and wastewater authority" is hereby created for the public purpose 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 and shall be a "public district" for purposes of section eighty-nine-l of the public service law, the objects of which in the judgment of the legislature cannot be attained under general laws. The governing body of the authority shall consist of a total of five voting members, two of whom shall be appointed by the county executive, without confirmation of the county legislature, two of whom shall be appointed by the chairman of the county legislature, without confirmation of the county legislature and without county executive right to veto, and one of whom shall be appointed jointly by the county executive and the chairman of the county legislature, subject to confirmation by the county legislature, and of three non-voting ex officio members, one of whom shall be the manager of the county soil and water conservation district, one of whom shall be the executive director of the environmental management council and one of whom shall be the county commissioner of planning, or their designated representatives. No voting member shall, either at the time of his or her appointment or at any time during which he or she shall serve as a voting member, be a member of the county legislature, a town board, village board of trustees, city council, common council, board of estimate and apportionment, board of estimate and contract, or member of a body serving a similar function in a city, or a member of a body serving a similar function of a sewer or water district which, as of December thirty-first, nineteen hundred thirty-eight, possessed both the power to contract indebtedness in its own name and to levy taxes or benefit assessments upon real property or require the levy of such taxes or benefit assessments. The election or appointment of a voting member to any such office or membership shall result in a vacancy in the position of such voting member effective the date of the assumption of such office or membership. The first members appointed by the county executive 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 and one for a term ending on December thirty-first of the fifth year

following the year in which this title shall have become law. The first members appointed by the county legislature shall have the following terms: one for a term ending on December thirty-first of the first year following the year in which this title shall have become law and one for a term ending on December thirty-first of the fourth year following the year in which this title shall have become law. The first member jointly appointed by the county executive and the county legislature shall have a term of office ending on December thirty-first of the third year following the year in which this title shall have become law. Subsequent appointments of voting members shall be made for a term of five years ending in each case on December thirty-first of the last year of such term. No person who has served as a voting member for two consecutive terms shall be eligible for reappointment as a member for a third term, except after an interval of at least two years. Any initial term or unexpired term greater than two years shall be considered to be a five year term. All voting members shall continue to hold office until their successors are appointed and qualify. Vacancies shall be filed 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. Voting 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 county. The members of the authority shall receive no compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in connection with the carrying out of the purposes of this title. 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 voting members are present. No action shall be taken except pursuant to the favorable vote of at least three voting 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, who shall be a voting member of the authority, and a vice-chairman and a treasurer, who shall be voting members of the authority, and a secretary, who need not be either a voting member or a non-voting member of the authority. Such officers shall be appointed by the voting member

of the governing body and shall serve in such capacities at the pleasure of the voting members of the governing body. In addition to the secretary, the voting members of 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 voting members of 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 and any such officer, member or employee may accept such appointment and serve as a member, officer, agent or employee of the authority without forfeiture of any other office or position of public employment by reason thereof.

4. (a) The county executive shall file on or before December thirty-first of the year in which this title shall have become a law, in the office of the secretary of state, a certificate signed by the county executive setting forth: (1) the name of the authority; (2) the names of the voting members initially appointed, and their terms of office; (3) the names of the ex officio members, and (4) 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 such date, 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 county.

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 county 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.

* NB There are 2 § 1123's