§ 1149-c. Seneca county water and sewer authority. 1. A public corporation known as the "Seneca county 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 corporate governmental agency constituting a public benefit corporation and shall be a "public district" for the purposes of section eighty-nine-l of the public service law. The authority shall be governed by a board consisting of nine members, who shall be residents of the county and be appointed by the chairperson of the board of supervisors and confirmed by the board of supervisors.

The first members appointed shall be appointed for the following terms: three for a term ending on December thirty-first of the year following the year in which this title shall have become law; three for a term ending on December thirty-first of the second year following the year in which this title shall have become law; and three for a term ending on December thirty-first of the third year following the year in which this title shall have become law.

Subsequent appointment of members shall be made in the same manner and for terms 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 have qualified.

Vacancies shall be filled in the manner provided for original appointment. Vacancies occurring otherwise than by expiration of terms 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 county. In addition, members may be removed from office by the board of supervisors for inefficiency, neglect of duty or misconduct in office, after the board of supervisors has given such member a copy of the charges against such member and opportunity to be heard in person or by counsel in such member's defense, upon not less than ten days notice.

If a member fails to attend three consecutive regular meetings of the authority, unless such absence is for good cause and is excused by the chairperson of the authority or other presiding officers, or in the case of the chairperson of the authority, by the chairperson of the board of supervisors, the office may be deemed vacant for purposes of the nomination and appointment of a successor.

The officers of the authority shall receive from the authority such salary, if any, as shall be determined from time to time by the board of supervisors. In addition, members and officers shall be entitled to reimbursement of their actual and necessary expenses, including travel expenses, incurred in the discharge of their duties.

2. The powers of the authority shall be vested in and shall be exercised by the board at a meeting duly called and held where a quorum of five members is present. No action shall be taken by the authority except pursuant to the favorable vote of at least five members. The board 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.

3. The officers of the authority shall consist of a chairperson, vice chairperson, and treasurer who shall be members of the board and a secretary who need not be a member of the board. The officers of the authority shall be appointed by the board and shall serve in such capacities at the pleasure of the board.

In addition, the board may appoint and at its pleasure remove such additional officers and employees as it may determine necessary for the performance of the powers and duties of the authority, which positions shall be in the exempt class of the civil service, and fix and determine the qualifications, duties and compensation of such additional officers and employees, 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 treasurer shall execute a bond, conditioned upon the faithful performance of the duties of such treasurer's office, the amount and sufficiency of which shall be approved by the board, and the premium therefor shall be paid by the authority.

4. 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 such officer, member or employee's office or employment by reason of such officer, member or employee's 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 one or more members of the board of supervisors may be appointed to serve as a member of the authority.

5. (a) The chairperson of the board of supervisors shall file within one year after the effective date of this title, in the office of the secretary of state, a certificate signed by the chairperson of the board of supervisors setting forth: (i) the name of the authority; (ii) the names of the initial members of the board and their terms of office; and (iii) the effective date of this title. 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) 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.

6. 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 of any power over the regulation of rates fixed or charges collected by the

authority.

7. 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 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.