§ 1226-e. Water board. 1. A water board, to be known as the "Upper Mohawk valley regional water board", may be created by a special act of the state legislature 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 governing body of the water board shall consist of a total of twelve members, to be appointed and to serve as follows: two members, each of whom shall be a resident of the city, shall be appointed by the council; two members, each of whom shall be a resident of the city, shall be appointed by the mayor; two members shall be appointed by the county executive, the first of which shall be a resident of a village located within the service area outside of the city and the second of which shall be a resident of the service area outside of the city, which second member shall be subject to confirmation by the Herkimer county legislature; two members shall be appointed by the county legislature, each of whom shall be a resident of the city; and four members shall be residents of the service area outside of the city and shall be appointed by the towns within, either wholly or partly, the service area in accordance with the following procedure: one member shall be appointed by the town board of the town of New Hartford; one member shall be appointed by the town board of the town of Whitestown; one member shall be appointed by the town board of the town of Marcy and alternately by the town board of the town of Schuyler and then by the town board of the town of Kirkland. The first such member shall be appointed by the town board of the town of Marcy. Following the expiration of that member's term, such subsequently appointed member shall be appointed by the town board of the town of Schuyler. Following the expiration of that member's term, such subsequently appointed member shall be appointed by the town board of the town of Kirkland. Thereafter each such subsequent member shall be appointed alternately by the town board of the town of Marcy, then by the town board of the town of Schuyler and then by the town board of the town of Kirkland; one member shall be appointed by the town board of the town of Trenton and alternately by the town board of the town of Deerfield and then by the town board of the town of Frankfort. The first such member shall be appointed by the town board of the town of Trenton. Following the expiration of that member's term, such

subsequently appointed member shall be appointed by the town board of the town of Deerfield. Following the expiration of that member's term, such subsequently appointed member shall be appointed by the town board of the town of Frankfort. Thereafter each such subsequent member shall be appointed alternately by the town board of the town of Trenton, then by the town board of the town of Deerfield and then by the town board of the town of Frankfort. No appointment made by the mayor shall be subject to confirmation by the council. No appointment made by the county executive shall be subject to confirmation by the county legislature. No appointment by the council shall be subject to approval or veto by the mayor. No appointment by the county legislature shall be subject to approval or veto by the county executive. Failure by any party to appoint any member shall not invalidate the creation or establishment of the water board and shall result in the creation of a vacancy on the governing body of the water board which may be filled at any time by such party. The first members appointed by the council shall be appointed for the following terms of office; 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 third year following the year in which this title shall have become law. 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 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 second year following the year in which this title shall have become law. The first village resident member appointed by the county executive shall be appointed for a term ending on December thirty-first of the second year following the year in which this title shall have become law. The first subject to Herkimer county legislative confirmation member appointed by the county executive shall be appointed for a term ending on December thirty-first of the third year following the year in which this title shall have become law. The first members appointed by the county legislature shall be appointed for the following terms of office: 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 second year following the year in which this title shall have become law. The first

member appointed by the town of New Hartford shall be appointed for a term of office ending on December thirty-first of the third year following the year in which this title shall have become law. The first member appointed by the town of Whitestown shall be appointed for a term ending on December thirty-first of the second year following the year in which this title shall have become law. The first member appointed by the town of Marcy, Schuyler or Kirkland shall be appointed for a term ending on December thirty-first of the third year following the year in which this title shall have become law. The first member appointed by the towns of Trenton, Deerfield and Frankfort shall be appointed for a term ending on December thirty-first of the first 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. No member shall be a member of the governing body of the authority. 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 by the party which appointed such member for inefficiency, neglect of duty or misconduct in office; provided, however, that such member shall be given a copy of the charges against him or her and an opportunity of being heard in person, or by counsel, in his or her defense upon not less than ten days notice. Any member required to be a resident of a specified area shall forfeit his or her membership on the governing body upon such member's termination of residence in such area, which forfeiture shall create a vacancy. The members of the water board 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; provided, however, that no member shall be reimbursed for any expense exceeding one thousand dollars incurred with respect to any individual purpose unless the governing body at a meeting duly called and held when a quorum of seven members are present shall have authorized the incurrence of such expense by such member. 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 seven members

are present. No action shall be taken except pursuant to the favorable vote of at least seven voting members. All votes must be made in person at a meeting and no vote may be made by proxy. 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 members, officers, executive director, if any, comptroller, if any, and counsel, if any, shall be an exempt position under any rule or classification of the civil service commission. 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, any municipality, or any public benefit corporation, shall be deemed to have forfeited or 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 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 county executive shall file on or before December 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 county executive setting forth: (1) the name of the water board; (2) the names of the members appointed by the council, the mayor, the county executive, the county legislature and the towns, villages and county of Herkimer 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 as follows: all properties acquired by the water board from either the city or the board of water supply, except properties identified at the time of transfer as being "southern reservoir property" shall vest in the city; all property identified at the time of transfer as being "southern reservoir property" shall vest jointly in the city and in the town of New Hartford; all other properties shall vest jointly in the city and the towns and villages in the service area in such a manner as prescribed by law.

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 service area 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.

7. The water board shall establish and maintain its principal office at which it conducts its business in the city's city hall. Notwithstanding any general, special or local law or any charter provision, the city shall, and is hereby authorized to, lease to the water board such office space as the city and the water board mutually

determine to be necessary and appropriate for the needs of the water board, which lease shall be for an initial term of thirty years and shall be for such consideration and shall contain such terms and conditions as the water board and the city shall determine reasonable and appropriate.