1299-c. Niagara Frontier transportation authority. 1. (a) There is hereby created the "Niagara Frontier transportation authority." The authority shall be a body corporate and politic constituting a public benefit corporation. The authority shall consist of a chairman, ten voting members and shall have one non-voting member as described in paragraph (b) of this subdivision appointed by the governor by and with the advice and consent of the senate. The chairman and all members shall be residents of the district. Of the ten voting members other than the chairman, one shall be appointed upon the written recommendation of the Erie county executive, one shall be appointed upon the written recommendation of the Erie county legislature, and at least one shall be a transit dependent individual. The chairman and each of the members shall be appointed for a term of eight years, provided however, that the chairman first appointed shall serve for a term ending June thirtieth, nineteen hundred seventy-three, and of the eight other members first appointed, one shall serve for a term ending June thirtieth, nineteen hundred sixty-eight, two shall serve for a term ending June thirtieth, nineteen hundred sixty-nine, one shall serve for a term ending June thirtieth, nineteen hundred seventy, two shall serve for a term ending June thirtieth, nineteen hundred seventy-one, one shall serve for a term ending June thirtieth, nineteen hundred seventy-two and one shall serve for a term ending June thirtieth, nineteen hundred seventy-three. The term of one of the members appointed to memberships first created by law after April first, nineteen hundred sixty-nine shall end on June thirtieth, nineteen hundred seventy-four, and the term of the other such member shall end on June thirtieth, nineteen hundred seventy-five. Following the expiration of any term ending on or after June thirtieth, nineteen hundred eighty-seven, each member shall be appointed for a term of five years beginning on the day after the expiration date of such prior term; provided, however, that the term of the member first appointed upon the written recommendation of the Erie county executive and the term of the member first appointed upon the written recommendation of the Erie county legislature shall be for a term ending on June thirtieth, nineteen hundred ninety-six.

(b) The non-voting member of the authority, who shall not be considered in determining a quorum, shall be recommended to the governor by the labor organization representing the plurality of the employees

within the authority and shall be a resident of the Niagara Frontier transportation district as described in section twelve hundred ninety-nine-b of this title. Such non-voting member shall be appointed for a term of five years, provided, however, that if at any time during the term of appointment such non-voting member ceases to be affiliated with the labor organization representing the plurality of employees within the authority, then such labor organization may at any time during such term recommend a new member to the governor who shall serve the remainder of the term. If the local bargaining unit decertifies its existing union affiliation and certifies a new union, the union which represents the plurality of the employees may recommend a new member to the governor who shall serve the remainder of the term. The chairman of the authority, at his or her discretion, may exclude such non-voting member from attending any portion of a meeting of the authority or of any committee held for the purpose of discussing negotiations with labor organizations, pending litigation involving the labor organization, or the investigation, evaluation, or discipline of an employee.

(c) The transit dependent individual appointed pursuant to paragraph (a) of this subdivision shall be appointed by the governor. Such member shall be a resident of a county described in paragraph (a) of this subdivision. If a vacancy shall occur, a replacement shall be appointed within six months, subject to the same appointment process set forth in this paragraph. Any local or statewide transit advocacy organization may recommend one or more transit dependent individuals to be considered for appointment pursuant to this section.

2. The members of the authority, including the chairman shall not receive a salary or other compensation. Upon formal adoption of policies and guidelines by the authority, each member, including the chairman, shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties.

3. A majority of the whole number of members of the authority then in office shall constitute a quorum for the transaction of any business or the exercise of any power of the authority. Except as otherwise specified in this title, for the transaction of any business or the exercise of any power of the authority, the authority shall have power

to act by a majority of the members present at any meeting at which a quorum is in attendance.

4. The chairman shall preside over the board and shall establish committees to assist the board in carrying out its duties, including but not limited to a committee on operations and personnel; a committee on finance and audit; and a committee on capital planning. The chairman shall appoint members of the authority to such committees.

5. The authority shall be a "state agency" for the purposes of sections seventy-three and seventy-four of the public officers law.

6. Notwithstanding any inconsistent provisions of this or any other law, general, special or local, no officer or employee of the state, or of any public corporation as defined in the general corporation law, shall be deemed to have forfeited or shall forfeit his office or employment or any benefits provided under the retirement and social security law or under any public retirement system maintained by the state or any of its subdivisions by reason of his acceptance of membership on or chairmanship of the authority; provided, however, a chairman who holds such other public office or employment shall receive no additional compensation for services rendered pursuant to this title, but the members and chairman shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of such services.

7. The governor may remove any member for inefficiency, neglect of duty or misconduct in office after giving him a copy of the charges against him and an opportunity to be heard, in person or by counsel in his defense, upon not less than ten days' notice. If any member shall be so removed, the governor shall file in the office of the department of state a complete statement of charges made against such member, and his findings thereon, together with a complete record of the proceedings.

8. The authority shall continue so long as it shall have bonds or other obligations outstanding and until its existence shall be terminated by law. Upon the termination of the existence of the

authority, all its rights and properties shall pass to and be vested in the state, except that the Buffalo projects, together with all property and assets held and acquired by the authority or by the Niagara Frontier port authority in connection therewith, shall thereupon become the property of and shall be under the jurisdiction, control and possession of the city of Buffalo. As used herein, the Buffalo projects shall mean (a) the greater Buffalo international airport; (b) the Buffalo municipal piers project formerly owned and operated by the city of Buffalo at the foot of Michigan avenue on the Buffalo harbor, in the city of Buffalo; and (c) the Buffalo small boat harbor project formerly owned and operated by the city of Buffalo for the mooring of small craft and boats, located on Fuhrmann boulevard and the Buffalo harbor, in the city of Buffalo.

9. Notwithstanding the provisions of paragraph eight of this section or any other provisions of law, the authority may purchase and the city of Buffalo may sell its reversionary interests in any of the projects mentioned in paragraph eight of this section and in such event, upon termination of the authority by law, any project so acquired shall revert to and become the property of the state.