§ 1299-dd. Rochester-Genesee regional transportation authority. 1. (a) There is hereby created the Rochester-Genesee regional transportation authority. The authority shall be a body corporate and politic constituting a public benefit corporation. It shall consist of: (i) at least one member from each county that elects to join the authority except that the county of Monroe shall have seven members of whom three shall be appointed from the city of Rochester and four at large from the county of Monroe, (ii) and a voting member who is a transit dependent individual appointed pursuant to paragraph (c) of this subdivision, and (iii) one non-voting member as described in paragraph (b) of this subdivision. The members shall be appointed by the governor by and with the advice and consent of the senate. The governor shall make initial appointments to the authority in such number and from lists submitted as follows: three members shall be appointed to the authority from a list of not less than six names, all of whom must be residents of the city of Rochester, submitted to the governor by the council of the city of Rochester; four persons from a list of not less than eight persons, all of whom must be residents of the county of Monroe submitted by the legislature of the county of Monroe. Other counties electing to participate shall each submit to the governor a list of not less than two persons for each one hundred thousand or major fraction of the total population, as determined by the last federal decennial or federal county-wide special census. From the counties outside the county of Monroe which shall elect to participate, the governor shall appoint one member for each one hundred thousand or major fraction of the total population, as determined by the last federal decennial or federal county-wide special census, with a minimum of one member to represent each county outside the county of Monroe so electing to participate. All members of the authority shall be residents of the area from which they are nominated.

(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 Rochester-Genesee regional transportation district as described in section twelve hundred ninety-nine-cc 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 voting member who is a transit dependent individual as described in paragraph (a) of this subdivision shall be appointed by the governor for a term of five years. Such member shall be a resident of a county within the district. If a vacancy occurs for such position, a replacement shall be appointed within six months pursuant to this process. Any local or statewide transit advocacy organization may recommend one or more transit dependent individuals to be considered pursuant to this section.

2. The members of the authority shall continue in office until their successors are appointed and shall have qualified. One member appointed from the city of Rochester and one member appointed from the county of Monroe shall be appointed for terms ending July thirty-first, nineteen hundred seventy-one; one member appointed from the city of Rochester and two members appointed from the county of Monroe shall be appointed for terms ending July thirty-first, nineteen hundred seventy-two; and one member appointed from the city and one member appointed from the county of Monroe shall be appointed for terms ending July thirty-first, nineteen hundred seventy-three. The member (or members) who is (or are) appointed from the other counties shall be appointed for a term (or terms) of five years, but all terminating on the thirty-first day of July of the fifth year. Thereafter, upon expiration of the term of a member of the authority a successor shall be appointed by the governor for a term expiring five years after the expiration of the term of his

predecessor. If a vacancy shall occur by reason of a death, disqualification, resignation or removal of a member, the successor shall be appointed by the governor for the unexpired term. Persons succeeding members from the city of Rochester and the county of Monroe on the authority shall be appointed from the same area and by the same procedure as the original appointments. In the event of a vacancy as defined herein, the successor appointed by the governor for an unexpired term shall be from the same area. The same procedure shall be followed for the filling of vacancies of members appointed from other counties. Members of the authority shall, before entering upon the duties of their office, take the constitutional oath of office and file the same in the office of the secretary of state. No person while serving in any elective office shall be eligible to serve as a member of the authority. The members of the authority shall officially be designated and referred to as commissioners.

3. The members of the authority, including the chairman, shall not receive a salary or other compensation when rendering service as a member of the authority or as a member of one of its subsidiary corporations, but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

4. A majority of the whole number of votes of members of the authority, including the voting member who is a transit dependent individual as described in subdivision one of this section, shall constitute a quorum for the transaction of business or the exercise of any power of the authority. Except as otherwise specified in this act, 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 vote of the members present at any meeting at which a quorum is in attendance. Each member of the authority shall have one vote for each thirty-five thousand or major fraction thereof of the population of the county or city from which he is appointed based upon the results of the last federal decennial or federal county-wide special census divided by the total number of members appointed from such county or city, except that the voting member who is a transit dependent individual as described in subdivision one of this section shall have one vote in total. The

minimum number of votes each member shall have, regardless of population, is one. The votes of all members shall be calculated with fractions being rounded to the nearest whole number. The population of a county for the purposes of this provision is the total population of such county less the population of any city which is entitled to have members appointed on the authority.

5. The authority shall organize by the selection from its members of a chairman, vice chairman, secretary and such other officers as the members may deem necessary. It shall adopt such rules as it may deem necessary and proper for the government of its own proceedings, and shall keep a record of such proceedings.

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

7. 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 member or chairman who holds such other public office or employment shall be entitled to reimbursement for his actual and necessary expenses incurred in the performance of such services.

8. 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.

9. 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.

10. Each of the counties that elect to become participating members of the Rochester-Genesee regional transportation district may do so by resolution adopted by a majority of the membership of its governing body and such election by a county shall take effect upon the filing of a duly certified copy of such resolution with the authority and with the secretary of state, and the mailing of a certified copy thereof to the county clerk of each county which is granted the power of election under the provisions of this act.