§ 1303. Capital District transportation authority. 1. (a) There is hereby created the Capital District transportation authority. The authority shall be a body corporate and politic constituting a public benefit corporation. It shall consist of not less than eight nor more than fifteen members, including a chairman and shall have one non-voting member as described in paragraph (b) of this subdivision. At least one voting member shall be a transit dependent individual who shall be appointed by the governor. If a vacancy occurs for such transit dependent individual member position, a replacement shall be appointed within six months, subject to the same appointment process within this paragraph. 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 six names, all of whom shall be residents of the county of Albany, four of which names shall be submitted to the governor by the majority party of the legislature of the county of Albany and two of which names shall be submitted by the minority party of such legislature; two members shall be appointed to the authority from a list of four names, all of whom shall be residents of the county of Schenectady, three of which names shall be submitted to the governor by the majority party of the legislature of the county of Schenectady and one of which names shall be submitted by the minority party of such legislature; two members shall be appointed to the authority from a list of four names, all of whom shall be residents of the county of Rensselaer, three of which names shall be submitted to the governor by the majority party of the legislature of the county of Rensselaer and one of which names shall be submitted by the minority party of such legislature; two members shall be appointed to the authority from a list of four names, all of whom shall be residents of the county of Saratoga, three of which names shall be submitted to the governor by the majority party of the legislature of the county of Saratoga and one of which names shall be submitted by the minority party of such legislature. Other counties electing to participate shall each submit to the governor a list of two persons each of whom shall be a resident of such county, one of which names shall be submitted to the governor by the majority party of the legislature of such county and one of which names shall be submitted by

the minority party of such legislature, from which number the governor shall appoint one member for each such county so electing to participate. In addition to the members representing each county, the governor shall appoint one voting member who is a transit dependent individual who resides in a county within the district. Any local or statewide transit advocacy organization may recommend one or more transit dependent individuals to be considered for appointment pursuant to this section.

(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 Capital District transportation district as described in section thirteen hundred two of this title. The non-voting member shall be appointed for a term of five years, provided, however, that if at any time during the term of appointment the 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.

2. The members of the authority shall continue in office until their successors are appointed and shall have qualified. One of the members appointed from the county of Albany shall be appointed for a term ending July thirty-first, nineteen hundred seventy-two; one of the members appointed from the counties of Albany, Schenectady, Rensselaer and Saratoga, respectively, shall be appointed for terms ending July thirty-first, nineteen hundred seventy-three, respectively; one of the members appointed from the counties of Albany, Schenectady, Rensselaer

and Saratoga, respectively, shall be appointed for terms ending July thirty-first, nineteen hundred seventy-four, respectively. 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 of, from the same area and by the same procedure as his predecessor. 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.

3. The members of the authority shall not receive a salary or other compensation, but each member shall be entitled to reimbursement of actual and necessary expenses incurred in the performance of his or her official duties.

4. A majority of the whole number of members of the authority 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 of the members present at any meeting at which a quorum is in attendance.

5. The authority shall organize by the selection from its members of a chairman, vice-chairman and secretary. 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 provision 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 Capital District 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.