§ 2041-b. Montgomery, Otsego, Schoharie solid waste management authority. 1. A corporation known as the Montgomery, Otsego, Schoharie solid waste management 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 body corporate and politic constituting a public benefit corporation consisting of members appointed by the participating counties. Its membership shall consist of a board of no more than eight members, who shall be appointed as follows: three members from the county of Montgomery to be appointed by the chairman of the board of supervisors and confirmed by the board of supervisors of such county all of whom shall be residents of the county and at least one of whom shall be a resident of the city of Amsterdam; three members from the county of Otsego to be appointed by the chairman of the board of representatives and confirmed by the board of representatives of such county all of whom shall be residents of the county and at least one of whom shall be a resident of the city of Oneonta; two members from the county of Schoharie both of whom shall be residents of the county, and who shall be appointed by the chairman of the board of supervisors and confirmed by the board of supervisors of such county. The first members of the authority shall be appointed for the following terms from the thirty-first day of December of the year in which this title shall take effect; one member each to be appointed by each county for a term of four years; one member each to be appointed by each county for a term of two years; one member to be appointed by the county of Montgomery for a term of three years; one member to be appointed by the county of Otsego for a term of three years. Subsequent appointments of members shall be made in the same manner and for terms of four years ending in each case on the thirty-first day of December of the last year of each such term. All members shall continue to hold office until their successors are appointed and qualify. Vacancies occurring at the end of a term shall each be filled in the manner provided for original appointment and for a four year term. Vacancies occurring otherwise than by expiration of a term shall be filled by the affected participating county in the same manner respectively, for the unexpired terms. Members may be removed from office by the governing body of the county from which appointed for inefficiency, neglect of duty or misconduct in office after the authority or governing body has

given such member 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, there shall be filed with the chairman of the authority and the chairman of such governing body a complete statement of charges made against such member and the findings of the governing body thereon, together with a complete record of the proceeding.

2. The members of the authority shall receive no compensation for their services whether as members or officers of the authority but shall be reimbursed for all their actual and necessary expenses incurred in connection with the carrying out of the purposes of this title. The powers of the authority shall be vested in the members thereof in office from time to time and a majority of members shall constitute a quorum at any meeting of the authority. No vacancy in the membership of the authority shall impair the right of such members to exercise all the rights and perform all the duties of the authority. Any action taken by the authority under the provisions of this title may be authorized at a meeting of the authority by resolution approved by a majority of the total number of members then in office, which resolution shall take effect immediately.

3. The officers of the authority shall consist of a chairman, a vice-chairman and a treasurer, who shall be members of the authority and a secretary, who need not be a member of the authority. Such officers shall be selected 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 an executive director, an attorney, an engineer and 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 civil service, and fix and determine their qualifications, duties and compensation, subject to the provisions of the civil service law, provided however, that no elected official of a participating county or any municipality therein shall be appointed as an employee of the authority; provided, however, that nothing contained in this section shall prohibit an elected official of a participating

county or municipality therein from furnishing work, materials, supplies or labor pursuant to a contract which the authority is empowered to make pursuant to this title. 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. The governing body 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 his office, the amount and sufficiency of which shall be approved by the governing body and the premium for which shall be paid by the authority.

4. (a) Each of the counties of Montgomery, Otsego and Schoharie electing to participate in the authority shall file, on or before October first of the year following the year in which this title shall take effect, in the office of the secretary of state, a certificate signed by the chairman of its legislative body setting forth: the name of the authority; the names of the members appointed by that county; and the effective date of this title.

(b) The authority shall be perpetual in duration and shall continue until terminated by law, except if the certificate referred to in paragraph (a) of this subdivision is not filed by two or more counties on or before the date specified in such paragraph, then the corporate existence of the authority shall thereupon terminate and it shall be deemed to be and shall be dissolved, provided, however, that no such termination 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 any termination of the existence of the authority, all of the rights and properties of the authority then remaining shall pass to and be vested in the participating counties in accordance with such law.

5. It is hereby determined and declared, that the authority and the carrying out of its powers and duties are in all respects for the benefit of the people of the participating counties 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.