§ 2045-c. Onondaga county resource recovery agency. 1. A corporation known as the Onondaga county resource recovery agency is hereby created for the public purposes and charged with the duties and having the powers provided in this title. The agency shall be a body corporate and politic constituting a public benefit corporation. It shall consist of eleven members, provided, however, that after July thirty-first, nineteen hundred eighty-nine, such board shall consist of fifteen members, who shall be appointed as follows: (i) four by the county executive; (ii) three by the chairman of the county legislature; (iii) two by the mayor of the city of Syracuse, subject to confirmation by the common council of such city, provided, however, that after July thirty-first, nineteen hundred eighty-nine, such mayor may make four additional appointments to the board subject to confirmation by the common council of such city; (iv) one by the town board of the town of Camillus, except that any other provision of any other law to the contrary notwithstanding, this appointment shall expire on July thirty-first, nineteen hundred eighty-nine, and replaced by a member to be appointed by the town board of the town in which the agency sanitary landfill portion of the solid waste management-resource recovery facility is designated to be located or is designated as the preferred site by resolution of the county legislature, as provided in subdivision one-a of this section; and (v) one by the town board of the town of Onondaga, except that any other provision of any other law to the contrary notwithstanding this appointment shall expire on July thirty-first, nineteen hundred eighty-nine, and be replaced by a member to be appointed by the town board of the town in which the agency waste-to energy portion of the solid waste management-resource recovery facility is designated to be located by resolution of the county legislature. The appointments by the county executive and the chairman of the county legislature each shall be subject to confirmation by the county legislature. In making appointments of members, the county executive and the chairman of the county legislature shall give due consideration to the representation of diverse geographical areas. The first members appointed by the county executive shall be appointed for the following terms of office: one for a term ending on December thirty-first, nineteen hundred eighty-two; one for a term ending on December thirty-first, nineteen hundred eighty-three; and two for a term

ending on December thirty-first, nineteen hundred eighty-four. The first members appointed by the chairman of the county legislature shall be appointed for staggered terms of office ending on December thirty-first in each of the years nineteen hundred eighty-two to nineteen hundred eighty-four, inclusive. The first members appointed by the mayor of the city of Syracuse shall be appointed for staggered terms of office ending, respectively, on December thirty-first in each of the years nineteen hundred eighty-two and nineteen hundred eighty-three, except that if such appointments were not made prior to such dates, then the first two members appointed by such mayor shall be appointed for staggered terms of office ending, respectively, on December thirty-first in each of the years nineteen hundred ninety and nineteen hundred ninety-one; and provided further that of the four additional members appointed pursuant to this subdivision by such mayor to the board after July thirty-first, nineteen hundred eighty-nine, two shall be appointed for terms of office ending on December thirty-first, nineteen hundred ninety-one, and two shall be appointed for terms of office ending on December thirty-first, nineteen hundred ninety-two. The first member appointed by the town board of the town of Camillus shall be appointed for a term of office ending on December thirty-first, nineteen hundred eighty-two. The first member appointed by the town board of the town in which the agency sanitary landfill portion of the solid waste management-resource recovery facility is designated to be located or is designated as the preferred site shall be appointed for a term of office ending on December thirty-first, nineteen hundred ninety-one. The first member appointed by the town board of the town of Onondaga shall be appointed for a term of office ending on December thirty-first, nineteen hundred eighty-three. Except as provided herein, subsequent appointments of members shall be made by the same appointing authorities for a term of three years ending in each case on December thirty-first of the last year of such term. No person who has served as a member for two consecutive terms shall be eligible for reappointment as a member for a third term, except after an interval of at least three years. All members shall continue to hold office until their successors are appointed and qualify. Vacancies shall be filled in the manner provided for original appointments. Vacancies, occurring otherwise than by expiration of term of office, shall be filled for the unexpired terms.

Members may be removed from office for the same reasons and in the same manner as may be provided by law for the removal of officers of the county. The members of the agency shall receive no compensation for their services 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 agency shall be vested in and be exercised by the governing body at a meeting duly called and held and six members shall constitute a quorum provided that after July thirty-first, nineteen hundred eighty-nine, eight members shall constitute a quorum. No action shall be taken except pursuant to the favorable vote of at least six members provided that after July thirty-first, nineteen hundred eighty-nine, no action shall be taken except pursuant to the favorable vote of at least eight members. 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.

1-a. Pursuant to a resolution adopted by the county legislature on or before the effective date of this subdivision designating a town as the preferred site for the agency sanitary landfill portion of the solid waste management-resource recovery facility, the town board of such town may appoint a member to serve on the agency board until: (a) an explicit finding by resolution of the county legislature with respect to the preferred site, pursuant to subdivision eight of section 8-0109 of the environmental conservation law; or (b) withdrawal of the preferred site from consideration by resolution of the county legislature and designation of another preferred site in another town by resolution of such legislature; or (c) expiration of the term of the member from the town designated as the preferred site, whichever shall occur first. In the event that an explicit finding has not been made by resolution of the county legislature with respect to the preferred site prior to the expiration of the term, the town board of the town designated as the preferred site by resolution of the county legislature prior to the effective date of this subdivision may reappoint such member or a new member for an additional term not to exceed one year. In the event the county legislature shall designate another preferred site in another town by a resolution, the term of the member then serving from the town previously identified by such county legislature as the preferred site

shall terminate on the effective date of such resolution and the newly designated town shall succeed to the rights of the town initially identified as the preferred site, as shall be true of any subsequent town identified by resolution of the county legislature as the preferred site for the sanitary landfill; provided, however that the first term of any such member shall expire on December thirty-first of the year in which he or she has been appointed. Upon adoption of a resolution by the county legislature making an explicit finding with respect to the site of the sanitary landfill portion of the solid waste management-resource recovery facility, pursuant to subdivision eight of section 8-0109 of the environmental conservation law, the town board of the town in which such sanitary landfill is designated to be located by such resolution may appoint one member to the agency board to succeed the member appointed by the previously identified by resolution of the county legislature as the preferred site for such landfill.

2. The officers of the agency shall consist of a chairman, a vice-chairman and a treasurer, who shall be members of the agency, and a secretary, who need not be a member of the agency. Such officers shall be appointed by the governing body and shall serve at the pleasure of the governing body. The governing body may appoint and at pleasure remove an attorney and an engineer, which positions, in addition to the position of secretary, shall be in the exempt class of the civil service, and such additional officers and employees as it may determine necessary for the performance of the powers and duties of the agency, 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 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 therefor shall be paid by the agency.

3. 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 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 agency, nor shall service as such member, officer, agent or employee be deemed incompatible or in conflict with such office, membership or employment; provided, however, that no public official elected to his or her office pursuant to the laws of the state or any municipality thereof may serve as a member of the governing body of the agency during his or her term of office.

4. (a) The county executive shall file on or before March thirty-first, nineteen hundred eighty-two, in the office of the secretary of state, a certificate signed by the county executive setting forth: (1) the name of the agency; (2) the names of the members appointed by the county executive and at least three other members of the agency and their terms of office; and (3) the effective date of this title. The agency shall be perpetual in duration, except that if such certificate is not filed with the secretary of state on or before such date, then the corporate existence of the agency shall thereupon terminate and it shall thereupon be deemed to be and shall be dissolved.

(b) Except as provided in paragraph (a) of this subdivision, the agency and its corporate existence shall continue until terminated by law, provided, however, that no such law shall take effect so long as the agency shall have bonds or other obligations outstanding unless adequate provision has been made for the payment or satisfaction thereof. Upon termination of the existence of the agency, all of the rights and properties of the agency then remaining shall pass to and vest in the county.

5. In addition to any powers granted to it by law, the county legislature from time to time may appropriate by resolution sums of money to defray project costs or any other costs and expenses of the agency, to be incurred prior to the first issuance of bonds. Subject to the rights of bondholders, the county legislature may determine if the moneys so appropriated shall be subject to repayment by the agency to the county and, in such event, the manner and time or times for such repayment.

6. The agency shall not be deemed a successor in interest to the

Onondaga county solid waste disposal authority for any purpose whatsoever. In the event that the county acquires any property from such authority and thereafter transfers such property to the agency, the agency shall not by reason of receiving such property become obligated for any indebtedness or liability of such authority. The agency, upon a determination that it is in the public interest, may assume and pay any compromised or settled claim against such authority which shall be outstanding as of the date of the first issuance of bonds. Nothing in this title shall be construed to require the agency to assume any liability of such authority.

7. It is hereby determined and declared, that the agency and the carrying out of its powers and duties are in all respects for the benefit of the people of the county and the state of New York for the improvement of their health, welfare and prosperity and that such purposes are public purposes and that the agency is and will be performing an essential governmental function in the exercise of the powers conferred upon it by this title.