§ 2047-c. Dutchess County Resource Recovery Agency. 1. A corporation known as the Dutchess 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 seven members, three of whom shall be appointed by the county executive, without confirmation of the county legislature, three of whom shall be appointed by the chairman of the county legislature subject to confirmation by the county legislature but without executive right to veto, and one of whom shall be jointly appointed by the county executive and the chairman of the county legislature, subject to confirmation by the county legislature. Subsequent appointment of members shall be made 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 three year 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 appointment. 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 four members shall constitute a quorum. No action shall be taken except pursuant to the favorable vote of at least four 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.

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. In addition to the secretary, the governing body may

appoint and at pleasure remove such additional officers and employees as it may determine necessary for the performance of the powers and duties of the agency, 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. 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-three, 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 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. 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. 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 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.