§ 2049-cc. Oneida-Herkimer solid waste management authority. 1. A corporation known as the Oneida-Herkimer 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. It shall consist of ten members, four of whom shall be appointed by the legislative body of the county of Oneida, three of whom shall be appointed by the county executive of the county of Oneida, and three of whom shall be appointed by the legislative body of the county of Herkimer. The first members appointed by the legislative body of the county of Oneida shall be appointed for the following staggered terms of office: one member: five year term; one member: four year term; one member: three year term; one member: two year term. The first members appointed by the county executive of the county of Oneida shall be appointed for the following staggered terms of office: one member: five year term; one member: four year term; one member: three year term. The first members appointed by the legislative body of the county of Herkimer shall be appointed for the following staggered terms of office: one member: five year term; one member: four year term; one member: three year term. Subsequent appointment of members by each legislative body and such county executive shall be made for a term of five years ending in each case on December thirty-first of the last year of such term. All members shall continue to hold office until their successors are appointed and qualify. Vacancies shall be filled by the affected legislative body or county executive in the manner provided for in the original appointment. Vacancies, occurring otherwise than by expiration of term of office, shall be filled by the affected legislative body or county executive for the unexpired terms. Members may be removed from office by the county executive or by the legislative body of the county which appointed such members for inefficiency, neglect of duty or misconduct in office; provided, however, that such member shall be given a copy of the charges against him and an opportunity of being heard in person, or by counsel, in his defense upon not less than ten days notice. The members of the authority shall receive such compensation for their services on a per diem basis as the legislative bodies of the counties shall determine and 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 and be exercised by the governing body at a meeting duly called and held and five of the members shall constitute a quorum. No action shall be taken except pursuant to the favorable vote of not less than a majority of the ten members which the authority would have would there be not vacancies and were none of the members disqualified from acting. 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 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 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 an attorney, engineer and executive director which positions shall be in the exempt class of civil service and such additional officers and employees as they may determine necessary for the performance of the powers and duties of the authority, 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 authority.

3. Notwithstanding any inconsistent provisions of any general, special or local law, ordinance, resolution or charter, no officer, member or employee of the state, the counties, any other municipality, or any public benefit corporation, shall forfeit his or her office of employment by reason of his or her acceptance of appointment as a member, officer, agent or employee of the authority, nor shall service as such member, officer, agent or employee be deemed incompatible or in conflict with such office, membership or employment.

4. Each of the counties electing to participate in the authority shall file on or before December thirty-first of 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: (a) the name of the authority; (b) the names of the members appointed by such county legislature and the county executive of such county, where applicable, and their terms of office; and (c) the effective date of this title. The authority shall be perpetual in duration, except that if such certificate is not filed with the secretary of state on or before such date than the corporate existence of the authority shall thereupon terminate and it shall thereupon 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 termination of the existence of the authority, all of the rights and properties of the authority then remaining shall pass to and vest in the counties.

5. In the event that the chairman of the county legislature of only one of the counties shall file in the office of the secretary of state the certificate described in subdivision four of this section, then the solid waste management authority provided for in this title shall be created as the solid waste management authority for such county and the authority shall be created to serve the area of such county and shall have all powers set forth in this title. In such event, the authority shall be known as the solid waste management authority of that county, this title shall be known and cited as the solid waste management authority act of that county, the area of operation shall be limited to that county, legislative body or legislative bodies shall mean the legislative body of that county, the membership of the authority shall consist of the members to be appointed by the legislative body and, if such certificate shall be filed by the chairman of the county legislature of the county of Oneida, by the county executive of such county and all references to the counties or each of the counties shall mean the county in which such chairman shall have filed such certificate. All other references or provisions in this title to more than one county shall be deemed to refer solely to such participating county, it being the intention of this section to permit the creation of the authority for only one county if such other county shall elect not

to participate.

6. 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 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.