§ 2050-c. Ulster county resource recovery agency. 1. A corporation known as the Ulster 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 five members to be appointed by the chairman of the county legislature including one member recommended to the chairman by the minority leader of the county legislature. All members so appointed shall be subject to confirmation by the county legislature. In making appointments of members, the chairman of the county legislature shall give due consideration to the representation of diverse geographical areas. The first members appointed by the chairman of the county legislature shall be appointed for the following terms of office; one for a term ending on December thirty-first, nineteen hundred eighty-seven; two for a term ending on December thirty-first, nineteen hundred eighty-eight; and two for a term ending on December thirty-first, nineteen hundred eighty-nine. 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. 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 three members shall constitute a quorum. No action shall be taken except pursuant to the favorable vote of at least three 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 and at pleasure remove an attorney, engineer and executive director and 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 provisions of any general, special or local law, ordinance, resolution or charter, no officer, member or employee of any municipality or any public benefit corporation within the county or any adjoining county, 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 a full time officer, member or employee shall not be compensated in the aggregate in an amount in excess of such officer's member's or employee's full time compensation without the express approval of the county legislature; and provided, further, 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 chairman of the county legislature shall file on or before July first, nineteen hundred eighty-seven, in the office of the secretary of state, a certificate setting forth: (1) the name of the agency; (2) the names of the members appointed by the chairman of the county legislature 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.