

Requesting Enactment Of A Senate Bill And Assembly Bill In The New York State Legislature To Amend Membership Of The Ulster County Resource Recovery Agency

Referred to: The Energy, Environment and Sustainability Committee (Chairwoman Greene and Legislators Hansut, Levine, Maloney, and Stewart)

Chair of the Legislature, Tracey A. Bartels, offers the following:

WHEREAS, the residents and businesses of Ulster County currently generate approximately 130,000 tons of solid waste annually; and

WHEREAS, the Ulster County Resource Recovery Agency (“UCRRA”) is responsible for, among other things, the management and disposal of the county’s solid waste, and development of the solid waste management plan to implement the County’s policies with respect to solid waste management pursuant to state law; and

WHEREAS, UCRRA is authorized as a public benefit corporation under Title 13-G of Article 8 of the Public Authorities Law, which further regulates the composition of the agency’s directors and its activities; and

WHEREAS, the Ulster County Legislature believes it in the best interest of UCRRA and County residents to amend the composition of the UCRRA directors, including expanding the number of directors and authorizing certain elected officials to be eligible to serve as director; and

WHEREAS, Article IX of the state constitution and section 40 of the Municipal Home Rule Law authorize municipalities to request from the state legislature special laws relating to their property, affairs or government; now, therefore be it

RESOLVED, the Ulster County Legislature, pursuant to Article IX of the New York State Constitution and Section 40 of the Municipal Home Rule Law, requests that the New York State Legislature enact legislation amending Title 13-G of Article 8 of the Public Authorities Law as follows:

N.Y. Pub. Auth. Law § 2050-c. Ulster county resource recovery agency shall be amended as follows:

1. Subsection 1 of section 2050-c of the Public Authorities. Law shall be amended to read as follows:

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~~ **nine** members, **six of which shall** ~~to be~~ appointed by the ~~chairman~~ of the county

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legislature and three of which shall be appointed by the county executive. ~~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 **include one member who is recommended to the chair by the minority leader of the county legislature and one member who is a sitting supervisor or mayor of an Ulster County municipality.** The chair shall also 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. **Of the four members appointed to positions that did not exist as of January first, two thousand twenty three, the term of the chair's appointment shall expire December thirty-first, two thousand twenty four; one of the county executive appointments shall expire December thirty-first two thousand twenty five and two of the county executive appointments shall expire December thirty-first two thousand twenty six.** 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~~ **five** 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. Subsection 3 of section 2050-c of the Public Authorities. Law shall be amended to read as follows:

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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 **with the exception of county legislators** 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,”

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

No Action Taken in Committee: Energy, Environment and Sustainability on July 6, 2023

Postponed in Committee: Energy, Environment and Sustainability on August 3, 2023

Passed Committee: Energy, Environment and Sustainability on _____.

FINANCIAL IMPACT:

NONE