

NEW YORK STATE PUBLIC AUTHORITIES LAW

TITLE 5

MONROE COUNTY WATER AUTHORITY

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§ 1093. Short title. This title may be cited as the "Monroe County Water Authority Act."

§ 1094. Definitions. As used or referred to in this title, unless a different meaning clearly appears from the context,

1. The term "authority" shall mean the corporation created by section one thousand ninety-five of this title;

2. The term "county" shall mean the county of Monroe;

3. The term "treasurer" shall mean the treasurer of the authority;

4. The term "comptroller" shall mean the comptroller of the state of New York;

5. The term "civil service commission" shall mean the civil service commission of the county of Monroe;

6. The term "properties" shall mean the water supply and distribution system or systems of the authority, including the plants, works, instrumentalities or parts thereof and appurtenances thereto, lands, easements, rights in land and water rights, rights-of-way, contract rights, franchises, approaches, connections, dams, reservoirs, water mains and pipe lines, pumping stations and equipment, and also including, without limitation, facilities and appurtenances thereto, some part of the capacity or use of which is used or to be used by or for the benefit of a municipality or municipalities or other corporation or corporations pursuant to contracts authorized by subdivision sixteen of section ten hundred ninety-six of this title, or any other property incidental to and included in such system or part thereof, and any improvements, extensions, and betterments, situated within the territorial limits of the county, or in Genesee county, or in the town or village of Victor and the towns of East Bloomfield and West Bloomfield in Ontario county, or in the village of Holley and the town of Clarendon in Orleans county;

7. The term "bonds" shall mean the bonds, notes and obligations, issued by the authority, pursuant to this act;

8. The term "revenues" shall mean all rents, charges and other income derived from the operation of the properties of the authority;

9. The term "municipality" shall mean any county, city, town, village, town water district, fire district, fire protection district, fire alarm district, school district, and any other political subdivision of the state.

10. The term "Genesee county project" shall mean the construction, installation, equipping and/or financing of such properties, as such term is defined in subdivision six of this section, as are necessary for the authority to provide service to Genesee county or any municipality therein on the terms set forth in this title.

§ 1095. Monroe county water authority. 1. A corporation known as "Monroe County Water Authority" is hereby created and continued for the 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 and shall be a "public district" for the purposes of section eighty-nine-1 of the public service law. It shall consist of seven members, no more than five of whom shall belong to one political party and all of whom shall be

residents of the county, who shall be appointed by the president of the county legislature of Monroe county subject to confirmation by a majority of the county legislature of Monroe county. The five persons serving as members of the authority on and immediately prior to the effective date of this act, or any person appointed to fill a vacancy for the unexpired term of such a member, shall continue as members of the authority for their present terms of office, or the term of his predecessor in the case of the filling of a vacancy, or until their successor is appointed and qualified and, thereafter, subsequent appointments to such membership positions shall be for terms of five years. After the effective date of this act the two additional members of the authority, in addition to the five memberships existing on and immediately prior to the effective date of this act, shall be appointed by the president of the county legislature of Monroe county subject to confirmation by a majority of the county legislature of Monroe county, one such appointment to be for a term of office expiring on April first, nineteen hundred eighty-one and one such appointment to be for a term of office expiring April first, nineteen hundred eighty-two; upon the expiration of the initial terms of office of such two additional members, subsequent appointments to fill such memberships shall be for terms of five years. In addition, such additional two appointments shall be made in such manner so as to provide that the membership of the authority be composed of seven members, of whom not more than five shall belong to the same political party.

Subsequent appointments shall be made in the same manner and for terms of five years. All members shall continue to hold office until their successors are appointed and qualify. The chairman shall be elected annually by the members of the authority. Vacancies, occurring otherwise than by expiration of term of office, shall be filled by appointments by the county legislature for the unexpired terms. Members of the authority 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 authority shall receive such compensation for their services as shall be fixed by the county legislature 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 members 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 authority may delegate to one or more of its members, officers, agents or employees such powers and duties as it may deem proper. The president of the Monroe county legislature shall further appoint two persons from such legislature for the term of their offices, one from the majority party and one from the minority party, to serve as legislative liaisons to the authority on behalf of such legislature.

2. The authority and its corporate existence shall continue until all its liabilities have been met, other than its liabilities to the county pursuant to any agreements entered into pursuant to subdivision sixteen-b of section one thousand ninety-six, and its bonds have been paid in full or such liabilities or bonds have otherwise been discharged and thereupon all rights and properties of the authority, including its water properties as defined in subdivision sixteen-b of section one thousand ninety-six, shall pass to and be vested in the county; provided, however, that if at the time all such rights and properties of the authority shall pass to and be vested in the county, the authority and such county are parties to any agreement and any supplemental agreements thereto entered into pursuant to subdivision sixteen-b of section one thousand ninety-six, then the authority and its corporate existence and the powers herein provided for shall continue so long as is necessary to enable the authority to exercise the rights and duties and fulfill the obligations imposed upon the authority by the provisions of any such agreement and any supplemental agreements thereto.

3. 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. The vice-chairman, treasurer and secretary shall be appointed by the authority and shall serve at the pleasure of the authority. The authority 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 require for the performance of its duties, fix and determine their qualifications, duties, and compensation, subject to the provisions of the civil service law of the state of New York and such rules as the civil service commission of the county of Monroe may adopt and make applicable to such authority. The authority 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 authority and the premium therefor shall be paid by the authority.

4. It is hereby determined and declared that the authority and the carrying out of its powers, purposes and duties are in all respects for the benefit of the people of the county of Monroe and the state of New York, for the improvement of their health, welfare and prosperity and that the said 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.

5. Upon creation of the authority, from time to time the board of supervisors, may, by resolution, appropriate sums of money to defray the expenses of the authority. The moneys so appropriated shall be repaid by the authority to the county out of the proceeds of the first bond issue of the authority. The provisions of this subdivision shall not be applicable to payments made by the county for the financing of

any water facilities in accordance with the provisions of subdivision sixteen-b of section one thousand ninety-six of this title.

6. Neither the public service commission nor any other board or commission of like character, shall have jurisdiction over the authority in the management and control of its properties or operations or any power over the regulation of rates fixed or charges collected by the authority.

§ 1096. Powers of the authority. The authority shall have power:

1. To sue and be sued;
2. To have a seal and alter the same at pleasure;
3. To acquire, in the name of the authority, lease, hold and dispose of personal property or any interest therein for its corporate purposes, including the power to purchase prospective or tentative awards in connection with the exercise of the power of condemnation hereinafter granted;
4. To purchase or lease, in the name of the authority, any water supply system, water distribution system, including plants, works, instrumentalities or parts thereof and appurtenances thereto, lands, easements, rights in land and water rights, rights-of-way, contract rights, franchises, approaches, connections, dams, reservoirs, water mains and pipe lines, pumping stations and equipment, or any other property incidental to and included in such system or part thereof, and any improvements, extensions, and betterments, situated within the county, or in Genesee county, or in the town or village of Victor, the Village of Bloomfield, and the towns of East Bloomfield, Canadice, Richmond and West Bloomfield in Ontario county, or in the village of Holley and the towns of Clarendon and Kendall in Orleans county for the purpose of supplying water for domestic, commercial, and public purposes at retail to individual consumers within the county of Monroe or in the manner provided by subdivision seven of this section; and as a means of so acquiring for such purposes, and subject to the approval of the public service commission, the authority may purchase all of the stock of any existing privately owned water corporation or company, and thereafter, within a reasonable time, such water corporation or company shall be dissolved;
5. To condemn in the name of the authority in the counties of Monroe and Genesee, or in any other county or municipality specifically enumerated in the first sentence of subdivision six of this section, or in the name of the county in the case of any water facilities to be owned and financed by the county pursuant to subdivision sixteen-b of this section, except where located in any other county or municipality, any water supply system, water distribution system, including plants, works, instrumentalities, or parts thereof and appurtenances thereto, lands, easements, rights in land and water rights, rights-of-way, contract rights, franchises, approaches, connections, dams, reservoirs, water mains and pipe lines, pumping stations and equipment, or any other property incidental to and included in such system or part thereof, and any improvements, extensions, and betterments for the purpose of supplying water for domestic, commercial, and public purposes at retail to individual consumers within the counties of Monroe and Genesee or in any other county or municipality specifically enumerated in the first sentence of subdivision six of this section, or at wholesale in the manner provided by subdivision seven of this section. The authority shall exercise the power of condemnation hereby granted in the manner provided by the eminent domain procedure law or any such proceeding to condemn may be instituted by the authority before a justice of the supreme court or an official referee thereof. In the exercise of such power of condemnation, the property being condemned shall be deemed, when so determined by the authority, to be for a public use superior to the public use in the hands of any other person, association, or corporation; provided, however, that the authority shall have no power to condemn property the legal title to which is vested in a municipality or in a private corporation owning such property primarily for its own use, unless such municipality or private corporation shall consent thereto;
6. To construct and develop any water supply system, water distribution system, including plants, works, instrumentalities, or parts thereof, and appurtenances thereto, dams, reservoirs, water mains, pipe lines, pumping stations and equipment, or any other property incidental to or included in such system or part thereof within the county of Monroe, or in Genesee county, or in the town or village of Victor, the Village of Bloomfield and the towns of East Bloomfield, Canadice, Richmond and West Bloomfield in Ontario county, or in the village of Holley and the towns of Clarendon and Kendall in Orleans county. To acquire, by condemnation, in the name of the authority in the counties of Monroe and Genesee, or in any other county or municipality specifically enumerated in the first sentence of this subdivision, or in the name of the county of Monroe in the case of any water facilities to be owned and financed by such county pursuant to subdivision sixteen-b of this section, lands, easements, rights in land and water rights, and rights-of-way within the counties of Monroe and Genesee, or in any other county or municipality specifically enumerated in the first sentence of this subdivision, in the manner provided by this title; or to purchase or lease lands, easements, rights in land and water rights, and rights-of-way in connection therewith within the county of Monroe or within Genesee county, or in any other county or municipality specifically enumerated in the first sentence of this subdivision; and to own and operate, maintain, repair, improve, reconstruct, enlarge, and extend, subject to the provisions of this title, any of its properties acquired or constructed under this title, all of which, together with the acquisition of such properties, are hereby declared to be public purposes;

6-a. The authority shall not exercise any of the powers granted in subdivisions four and six of this section with respect to the acquisition, purchase, leasing, construction, or development of property outside of the county without first having obtained the prior approval of such purchase, leasing, acquisition, construction, or development of such property outside of the county by resolution of the legislative body of the municipality wherein the affected property outside of the county is located. Notwithstanding any inconsistent provision of any general, special, or local law, ordinance, resolution, or charter, any public corporation or improvement district thereof may, by a majority vote of its governing body, give, grant, sell, convey, lend, license the use of, or lease to the authority any property or facilities, including any water supply system, water distribution system, including plants, works, instrumentalities or parts thereof and appurtenances thereto, lands, easements, rights in land and water rights, rights-of-way, contract rights, franchises, approaches, connections, dams, reservoirs, water mains and pipe lines, pumping stations and equipment, or any other property incidental to and included in such system or part thereof, and any improvements, extensions, and betterments for the purpose of supplying water for domestic, commercial, industrial and public purposes, which property or facilities are useful in connection with the exercise by the authority of its powers under this title. Any such gift, grant, sale, conveyance, loan, license, or lease shall be upon such terms and conditions, and for such term or terms of years, subject to the rights of the holders of any bonds, as the authority and such public corporation or improvement district thereof may agree. Any such gift, grant, sale, conveyance, loan, license, or lease shall not be subject to referendum, permissive or mandatory. In the event that any public corporation or improvement district thereof gives, grants, sells, conveys, lends, licenses the use of, or leases any water supply system, water distribution system, or other improvements, extension or betterments for the purpose of supplying water, to the authority, such public corporation or improvement district thereof may contract with the authority to lease, borrow, license, operate, maintain, manage, and provide services for such facilities upon such terms and conditions, and for such term or terms of years, subject to the rights of holders of bonds, as the authority and such public corporation or improvement district thereof may agree. The authority, in furtherance of any purchase, conveyance, or lease of any property or facility from any public corporation or improvement district thereof, may assume the primary responsibility for the payment of the principal and interest on any bonds or notes issued by such public corporation or improvement district thereof for such property or facility. For purposes of section 136.00 of the local finance law, any agreement by the authority to assume the primary responsibility for the payment of the principal and interest on any bonds or notes issued by any such public corporation or improvement district thereof shall, so long as such agreement shall continue to be honored by the authority, cause such bonds or notes to be deemed to have been refunded, and any such public corporation or improvement district thereof may deduct from its gross indebtedness any outstanding indebtedness contracted for such property or facility to be acquired by the authority. The net proceeds of any purchase, conveyance, or lease of any property or facility from a public corporation or improvement district thereof may be used by such public corporation or improvement district thereof for any general or specific public use;

7. To sell water, however acquired, by volume and at retail to individual consumers within the county of Monroe for domestic, commercial, industrial, and public purposes, or by volume or in bulk and at wholesale to any or all municipalities or privately owned public water supply and distribution systems in such county. The fact that any municipality has procured or is about to procure an independent source of water supply shall not prevent such municipality from purchasing water from the authority. To sell any water not needed in such county by volume and at retail to individual consumers within the county of Genesee, or in the town or village of Victor, the Village of Bloomfield and the towns of East Bloomfield, Canadice, Richmond and West Bloomfield in Ontario county, or in the village of Holley and the towns of Clarendon and Kendall in Orleans county, for domestic, commercial, industrial, and public purposes, or by volume or in bulk and at wholesale to any municipality or privately owned public water supply and distribution system outside of the county; provided that any costs incurred by the authority related to the Genesee county project shall be recovered by the authority solely from Genesee county or from rates and charges collected from customers within Genesee county; and further provided that the authority shall not sell water in any area outside of the county unless the governing board of the municipality wherein such area is located shall enter into an agreement with the authority for service or sale of water by it in such area or shall by resolution request the authority to sell water within such area. Any agreement between a municipality outside of the county and the authority for the sale of water to or within such municipality shall be subject to the approval of the legislative body of the contiguous county wherein such municipality is located. Not only may the authority sell any surplus water it may have developed, but it may develop and provide a sufficient amount of water so as to supply water outside of the county to individual consumers, any municipality, or privately owned public water supply and distribution system;

8. To purchase water in bulk or by volume from any person, private corporation or municipality when necessary or convenient for the operation of any water supply and distribution system developed by it, or when necessary or convenient for resale under the authority and provisions of subdivision seven of this section;

9. To acquire, hold, use, lease, sell, transfer and dispose of any property, real, personal or mixed, or interest therein, for its corporate purposes;

10. To make by-laws for the management and regulation of its affairs, and subject to agreements with bondholders, rules for the sale of water and the collection of rents and charges therefor. A copy of such rules and by-laws, and all amendments thereto, duly certified by the secretary of the authority shall be filed in the office of the clerk of the county and thereafter published once in two newspapers having a general circulation in the county. Violation of such rules shall be a misdemeanor, punishable by fine, not exceeding fifty dollars, or by imprisonment for not longer than thirty days, or both. Exclusive jurisdiction is hereby conferred upon the local criminal courts of the county, which have trial jurisdiction, to hear and determine, subject to the provisions of the criminal procedure law, any violation of this title;

11. To use the officers, employees, facilities and equipment of the county with the consent of the county, paying a proper portion of the compensation or cost;

12. To make contracts and to execute all necessary or convenient instruments, including evidences of indebtedness, negotiable or non-negotiable;

13. To enter on any lands, waterways and premises for the purpose of making surveys, soundings and examinations;

14. To borrow money and to issue negotiable bonds or notes and to fund or refund the same, and to provide for the rights of the holders of its obligations;

15. To fix rates and collect charges for the use of the facilities of, or services rendered by, or any commodities furnished by the authority such as to provide revenues sufficient at all times to pay, as the same shall become due, the principal and interest on the bonds or notes of the authority together with the maintenance of proper reserves therefor, in addition to paying as the same shall become due the expense of operating and maintaining the properties of the authority together with proper reserves for depreciation, maintenance, and contingencies and all other obligations and indebtedness of the authority;

16. To enter into cooperative agreements with other water authorities, municipalities, or utility companies, for the inter-connection of facilities, the exchange or inter-change of services and commodities, and to enter into contracts for the construction of water supply and distribution systems by the authority for any municipality which possesses express reciprocal powers and having power to construct and develop a water supply and distribution system, or contracts for the construction of a water supply and distributions systems for the authority by a municipality which possesses express reciprocal powers and having power to construct and develop a water supply and distribution system, upon such terms and conditions as shall be determined to be reasonable including, but not limited to, the reimbursement of all costs of such construction, or for any other lawful purposes necessary or desirable to effect the purposes of this title, provided, however, that any such agreement with a municipality located in a county, other than Monroe county, shall be subject to the approval of the legislative body of such county. The authority shall also have the power to enter into contracts or agreements with other corporations, public or private, (i) for or with respect to the financing, construction, development, expansion or improvement of properties, facilities, and appurtenances owned by the authority, with a part of the capacity or use of such properties, facilities and appurtenances utilized or to be utilized by or for the benefit of any such corporation and (ii) for or with respect to the use, operation, management, repair and maintenance of such properties, facilities, and appurtenances of the authority, upon such terms and conditions as shall be determined to be reasonable, which may include, without limitation, collection by the authority of rents, rates or other charges to pay for the cost of construction, including debt service on obligations of the authority issued to finance construction, operation, management, maintenance, repair and use of such facilities; and municipalities having power to construct and develop water supply and distribution systems shall have the power to enter into contracts or agreements contemplated herein with the authority, including any such contract to which another corporation is a party;

16-a. To enter into a contract or contracts with the board of supervisors of Monroe county for the acquisition, construction and development of a water supply and distribution system, or any part or parts thereof, on behalf of a county water district, and to contract for the operation and management of such county water district, all as provided in article five-a of the county law and article five-b of the general municipal law. Such water authority shall be deemed the agent of Monroe county under any such contract. If such contract shall authorize the water authority to purchase supplies or equipment or to construct public works, such authority shall be subject to all provisions of law to which Monroe county would be subject in relation to advertising and awarding any such contracts for supplies, equipment or public works.

16-b. (1) It is the purpose of this subdivision to provide a means whereby: (i) the authority shall plan, construct, operate and manage both the water properties owned by the authority and additional water facilities to be hereafter constructed by the authority but financed and owned by the county so that such water properties and such water facilities may be operated as an integrated water system; and (ii) the county shall finance the construction of and own additional water facilities and lease the same to or otherwise make the same available for use by the authority in order to assist the authority in providing such necessary improvements required for the operation of the water properties of the authority (the title to which water properties will, as provided by law, become vested in the county).

(2) For the purposes of this subdivision sixteen-b the term "water facilities" shall mean the acquisition, construction or reconstruction of or addition to a water supply or distribution system, whether or not including buildings, land or rights in land, original furnishings, equipment, machinery or apparatus, or the

replacement of such equipment, machinery or apparatus, which water facilities are to be financed and owned by the county. For the purpose of this subdivision sixteen-b the term "water properties" means the source of water supply and the water supply and distribution system of the authority, including the plants, works, instrumentalities or parts thereof and appurtenances thereto, lands, easements, rights in land and water rights, rights of way, contract rights, franchises, approaches, connections, dams, reservoirs, water mains and pipe lines, pumping stations and equipment, and any other property, real, personal or mixed, incidental to and included in such source of supply and such system or parts thereof, and any improvements, extensions and betterments, now or hereafter constructed, acquired or made by the authority, other than the water facilities constructed by the authority but financed and owned by the county in accordance with the provisions of this subdivision.

(3) The county may, by resolution of the legislative body of such county, enter into an agreement or agreements with the authority providing: (i) that water facilities shall be constructed by the authority, which water facilities shall be financed and owned by the county and leased or otherwise made available for the use of the authority; and (ii) for the transfer to the authority for use in the execution of its corporate purposes of such water facilities hereafter financed and owned by the county in accordance with the provisions of this subdivision; provided, however, that title to such facilities shall remain in the county.

Such agreement shall constitute a contract for the passing to and vesting in the county of all rights and properties, including water properties, of the authority when all liabilities of the authority, other than its liabilities to the county pursuant to any agreements entered into pursuant to this subdivision, and the bonds of the authority have been paid in full or such liabilities or bonds have otherwise been discharged.

Such agreement or agreements may be amended, modified, changed or extended by supplemental agreements authorized and executed in the same manner as the original agreement provided that the provisions of any such supplemental agreement shall not be inconsistent with the provisions of this subdivision sixteen-b.

(4) Such agreement shall provide that until the rights and properties, including the water properties, of the authority shall pass to and be vested in the county as provided by law, the authority shall act as the agent of the county: (i) to provide water facilities deemed necessary by the authority (a) to provide a supply of water sufficient to serve all customers of the water properties of the authority and of the water facilities of the county operated and managed by the authority, or (b) water facilities for the distribution of water deemed necessary by the authority to serve the territory of the authority within the county; and (ii) to operate, manage, replace, maintain and repair such water facilities in conjunction with the water properties of the authority so that both the water properties of the authority and the water facilities owned and financed by the county shall be planned, operated and managed as an integrated water system.

(5) Such agreement shall provide for the transfer to and use by the authority of such water facilities by lease, license or other arrangement until such time as all rights and properties, including water properties, of the authority shall pass to and be vested in the county as provided by law and shall authorize the authority to take jurisdiction, control, possession and supervision of such water facilities and operate, manage, replace, maintain and repair the same together with the water properties of the authority as an integrated water system.

(6) Such agreement shall provide that the county shall pay an amount not to exceed twenty-seven million dollars to provide certain water facilities to be owned by the county and leased to or otherwise made available for use by the authority in accordance with the provisions of such agreement, which water facilities shall be described in terms sufficient for identification in the first agreement so executed by and between the county and the authority. The county may issue obligations pursuant to the local finance law in an amount not to exceed twenty-seven million dollars to pay the cost of such water facilities. The provisions of section four hundred of the county charter prohibiting the financing of permanent improvements by the issuance of obligations pursuant to the local finance law unless such permanent improvements are included in a budget of permanent improvements adopted and approved as provided by such section four hundred shall not be applicable to the financing of such water facilities by the issuance of such obligations of the county authority by this paragraph.

(7) Such agreement shall provide that the authority shall pay to the county for each fiscal year of the county an annual rental for the use of the water facilities financed and owned by the county which shall be an operating expense of the authority, and shall be equal to the sum of the following: (i) the principal of any bonds of the county becoming due in such fiscal year issued in accordance with any agreement entered into pursuant to this subdivision; and (ii) the interest on any obligations of the county, including bonds and notes, issued in accordance with any such agreement and becoming due in such fiscal year. Such agreement shall provide such further details as the parties deem necessary with respect to the time and manner of the payment of such annual rentals in order to assure that such annual rentals shall be available to the county at the times and in the amounts required for the payment of such principal of bonds of the county and such interest on obligations of the county. Notwithstanding that the payment of such annual rentals shall be an operating expense of the authority, such agreement may provide that payment thereof shall be subordinate to all or any of certain payments hereinafter described required to be made by a certain trust indenture between the authority and a trustee dated as of February first, nineteen hundred fifty-nine. Such payments

are the payments required to be made by said trust indenture to the debt service fund and the debt service reserve fund both created by such indenture.

(8) Such agreement shall provide that to facilitate the further acquisition, construction, reconstruction, extension or betterment of water facilities by the authority to be owned and financed by the county, other than and in addition to the water facilities to be financed by the county pursuant to the provisions of paragraph (6) of this subdivision, the authority, on or before September first in each year or on or before such earlier date in each year as such agreement may provide, may submit to the county manager a capital budget for the calendar year beginning on the succeeding January first of such proposed water facilities and the estimated cost thereof. Such capital budget shall be accompanied by a report of the consulting engineers retained by the authority pursuant to a certain trust indenture of the authority dated as of February one, nineteen hundred fifty-nine. Such report of the consulting engineers shall explain the need for or desirability of such proposed water facilities and shall state that the consulting engineers have approved the estimated cost thereof. Such capital budget of the authority and report of such consulting engineers shall describe such proposed water facilities in terms sufficient for identification. When received by the county manager, such capital budget of the authority and the report of the consulting engineers shall be used in the preparation of the budget of permanent public improvements of the county required to be prepared by section four hundred of the Monroe county charter in the same manner as if the providing of such additional water facilities originally were proposed by the county. The county shall pay the cost of any water facilities contained in a budget of permanent improvements after such budget has been adopted. At any time after the adoption of such budget of permanent improvements the county may finance any water facilities contained therein pursuant to the provisions of and in the manner provided by the local finance law. Notwithstanding any other provisions of this subdivision, in the event that any item for the providing of water facilities contained in the capital budget and report of the consulting engineers as submitted to the county manager shall not be made a part of the budget of permanent improvements of the county, the authority may, nevertheless, proceed to construct such proposed water facility as an addition to the water properties of the authority and finance the same by the issuance of obligations of the authority, subject, however, to: (i) the provisions of any resolutions or trust indentures heretofore or hereafter adopted or executed by the authority, as the case may be, with respect to the construction of water properties and the financing thereof by the authority; and (ii) the limitations, if any, on the issuance of bonds or obligations by the authority contained in any agreement executed pursuant to this subdivision sixteen-b.

(9) Such agreement may contain further provisions concerning the following, provided, however, that no provisions in any agreement or any supplemental agreement thereto shall require the authority to in any way impair the rights and remedies of the holders of obligations of the authority pursuant to any resolution or trust indenture of the authority heretofore adopted or executed authorizing or securing obligations of the authority: (i) further provisions relating to the annual rentals due by the authority to the county as provided in this subdivision; (ii) provisions that the rates, fees, rentals and other charges for the sale or distribution of water or for other services rendered by the water properties of the authority shall be in an amount sufficient to fully comply with any covenants with holders of obligations of the authority and in addition sufficient to pay the annual rentals payable by the authority to the county as provided in this subdivision and in any agreements or supplemental agreements executed in accordance with the provisions of this subdivision; (iii) provisions limiting the issuance of bonds or obligations by the authority; (iv) provisions limiting the power of the authority to sell or otherwise dispose of its water properties without the consent of the county; (v) providing that when the rights and properties of the authority shall pass to and be vested in the county as provided by law the authority shall act as the agent of the county to plan, construct, operate and manage the water properties and water facilities then vested in and owned by the county for such term and extensions of such term as may be provided by any such agreements; and (vi) such other provisions not inconsistent with the provisions of this subdivision sixteen-b as the parties shall deem necessary or desirable to implement the purpose and provisions of this subdivision sixteen-b.

(10) The proceeds of sale of obligations of the county issued pursuant to any agreement entered into pursuant to this subdivision shall be subject to the provisions of section one hundred sixty-five of the local finance law and shall be paid and disbursed by the director of finance of the county on requisition by the authority or such person or persons as the authority may authorize to make such requisitions without further audit; provided, however, that the director of finance of the county may require that such requisitions shall be accompanied by properly itemized and verified or certified bills for materials, supplies or services.

(11) All contracts for the purchase of supplies or equipment or the construction of water facilities entered into with respect to the providing of water facilities to be financed and owned by the county and constructed by the authority shall be subject to all provisions of law which the county of Monroe would be subject to in relation to advertising and awarding any such contracts for supplies, equipment or the construction of water facilities.

(12) The provisions of this subdivision sixteen-b shall be independent and cumulative power for the authority and the county to enter into the agreements authorized hereby and shall not be construed with or be limited by any of the provisions of article five-a of the county law and of this article of the public authorities law.

17. To accept grants, loans or contributions from the United States, the state of New York, or any agency or instrumentality of either of them, or the county, or an individual, by bequest or otherwise, and to expend the proceeds for any purposes of the authority;

18. To do all things necessary or convenient to carry out the powers expressly given in this title.

19. To contract for the purposes of subdivision twenty-four of section ten of article two of the highway law.

In exercising the powers granted by this title, the authority shall not sell water in any area which is served by a water system owned or operated by a municipality unless the governing board of such municipality shall adopt a resolution requesting the authority to sell water in such area.

§ 1096-a. Additional duties of the authority. 1. The authority shall submit to the president of the Monroe county legislature a copy of the authority's preliminary budget, annual budget or amended budget, certified by the treasurer of the authority, not later than thirty days prior to the date on which the annual budget is adopted or approved by the authority. The authority shall give notice in writing to the president of the Monroe county legislature not later than thirty days prior to anticipated final approval of any construction projects to be undertaken by the authority involving water mains in excess of twelve inches in size, construction of mains in geographical areas theretofore undeveloped or not supplied with a public water supply, storage facilities, pumping stations or water treatment facilities utilizing funds of either the authority or funds of the county of Monroe under subdivision sixteen-b of section one thousand ninety-six of this title provided, however, that the foregoing shall not in any event be deemed to include: modernization, renewal and replacement, repair, maintenance of or improvement in properties or facilities; preliminary undertakings such as studies, tests, evaluations, reports, preparation of engineering plans and specifications, obtaining property rights and obtaining of necessary governmental approvals; construction activities deemed necessary by the authority in an emergency to protect life, property, health or the public safety; changes during construction which do not materially change the essential service area affected by a project; and construction activities within the terms of the last sentence of this subdivision. In the event the Monroe county legislature, by its resolution adopted at any time within sixty days after receipt by the president of the county legislature of the notice from the authority herein provided for, requests any change in such project, the authority shall conduct a public informational meeting upon ten days' notice to be published twice consecutively in a newspaper of general circulation in the county of Monroe prior to the authority granting final approval or prior to the commencement of construction of such project. The authority shall give written notice to the president of the Monroe county legislature not less than thirty days prior to the date of any final action of the authority with respect to any change in the rates of the authority. The authority shall conduct a public informational meeting upon ten days' notice to be published twice consecutively in a newspaper of general circulation in the county of Monroe relative to any change in such rates prior to the effective date of such change. The foregoing provisions of this subdivision shall not be construed to or require the authority to in any way violate or impair the rights and remedies of or covenants with the holders of obligations of the authority pursuant to any resolution or trust indenture of or binding upon the authority adopted or executed authorizing or securing obligations of the authority or abrogate the rights and powers of the authority to fulfill its duties and obligations to comply with all the terms, covenants or requirements required or provided by any existing contractual agreement or provided or required by statute or the order or direction or approval of a federal, state or local governmental entity having appropriate jurisdiction or authority.

2. The authority shall be empowered to develop and adopt an administrative code, subject to amendment from time to time, concerning such cooperative interrelationships between the authority and the county of Monroe, including the duties of the authority under subdivision one of this section. Any such code, or any amendment thereto, shall be submitted to the president of the county legislature not less than ninety days prior to its adoption by the authority for approval by such legislature.

§ 1097. Moneys of the authority. All moneys of the authority from whatever source derived shall be paid to the treasurer of the authority and shall be deposited forthwith in a bank or banks in the state of New York designated by the authority. The moneys in such accounts shall be paid out on check of the treasurer on requisition by the authority or of such other person or persons as the authority may authorize to make such requisitions. All deposits of such moneys shall, if required by the comptroller or the authority, be secured by obligations of the United States or of the state of New York or of the county of a market value equal at all times to the amount of deposit and all banks and trust companies are authorized to give such security for such deposits. The comptroller and his legally authorized representatives, and the director of finance of the county of Monroe, if he so elect, are hereby authorized and empowered from time to time to examine the accounts and books of the authority, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other matters relating to its financial standing. The authority shall have power, notwithstanding the provisions of this section, to contract with the holders of any of its bonds as to the custody, collection, security, investment and payment of any moneys of the authority, or any moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds, and to carry out any such contract notwithstanding that such contract may be inconsistent with the provisions of this section. Moneys

held in trust or otherwise for the payment of bonds or in any way to secure bonds and deposits of such moneys may be secured in the same manner as moneys of the authority, and all banks and trust companies are authorized to give such security for such deposits.

§ 1098. Bonds of the authority. 1. The authority shall have the power and is hereby authorized from time to time to issue its negotiable bonds in conformity with applicable provisions of the uniform commercial code for any of its corporate purposes, including incidental expenses in connection therewith, and to secure the payment of the same by a lien or pledge covering all or part of its contracts, earnings or revenues except that no resolution or other action of the authority providing for the issuance of bonds may be adopted or otherwise made effective without the prior approval of the Monroe county legislature. The powers conferred by this section on such Monroe county legislature shall be exercised with due regard for the rights of the holders of bonds of the authority at any time outstanding, and nothing in, or done pursuant to, this section shall in any way limit, restrict or alter the obligation or powers of the authority or any member, director, officer or representative of the authority to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the authority with respect to its bonds or for the benefit, protection, or security of the holders thereof. The authority shall have power from time to time whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds whether the bonds to be refunded have or have not matured, and may issue bonds partly to refund bonds then outstanding and partly for any of its corporate purposes. Except as may be otherwise expressly provided by the authority, every issue of bonds by the authority shall be general obligations payable out of any moneys, earnings or revenues of the authority, subject only to any agreements with the holders of particular bonds pledging any particular moneys, earnings or revenues.

2. The bonds shall be authorized by resolution of the authority and shall bear such date or dates, mature at such time or times not exceeding forty years from their respective dates, bear interest at such rates per annum not exceeding six per centum per annum payable at such times within the limitations as to interest cost hereinafter provided, be in such denominations, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America, at such place or places and be subject to such terms of redemption, at par or at a price not exceeding one hundred five per centum of their face value, as such resolution or resolutions may provide.

All bonds of the authority may be sold at public or private sale. Such bonds shall be sold for a price not less than ninety-six per centum of the par value thereof, plus accrued interest, provided always that the interest cost to maturity of the monies realized from the sale of such bonds shall not exceed six per centum per annum.

3. Any resolution or resolutions authorizing any bonds or any issue of bonds may contain provisions, which shall be a part of the contract with the holders of the bonds thereby authorized, as to

(a) pledging all or any part of the moneys, earnings, income and revenues derived from all or any part of the properties of the authority to secure the payment of the bonds or of any issue of the bonds subject to such agreements with bondholders as may then exist;

(b) the rates, rentals, fees and other charges to be fixed and collected and the amounts to be raised in each year thereby, and the use and disposition of the earnings and other revenues;

(c) the setting aside of reserves and the creation of sinking funds and the regulation and disposition thereof;

(d) limitations on the right of the authority to restrict and regulate the use of the properties in connection with which such bonds are issued;

(e) limitations on the purposes to which and the manner in which the proceeds of sale of any issue of bonds may be applied;

(f) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured; the refunding of outstanding or other bonds;

(g) the procedure, if any by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;

(h) the creation of special funds into which any earnings or revenues of the authority may be deposited;

(i) the terms and provisions of any trust deed or indenture securing the bonds or under which bonds may be issued;

(j) defining the acts or omissions to act which shall constitute a default in the obligations and duties of the authority to the bondholders and providing the rights and remedies of the bondholders in the event of such default, including as a matter of right the appointment of a receiver, provided, however, that such rights and remedies shall not be inconsistent with the general laws of this state;

(k) limitations on the power of the authority to sell or otherwise dispose of its properties;

(l) any other matters, of like or different character which in any way affect the security or protection of the bonds;

(m) limitations on the amount of moneys derived from the properties to be expended for operating, administrative or other expenses of the authority.

4. It is the intention of the legislature that any pledge of earnings, revenues or other moneys made by the authority shall be valid and binding from the time when the pledge is made; that the earnings, revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and that the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded.

5. Neither the members of the authority nor any person executing the bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

6. The authority shall have power out of any funds available therefor to purchase (as distinguished from the power of redemption hereinabove provided) any bonds issued by it at a price of not more than the principal amount thereof and accrued interest, and all such bonds shall be cancelled.

7. In the discretion of the authority, the bonds may be secured by a trust indenture by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company in the state of New York. Such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the construction, maintenance, operation, repair and insurance of the properties, and the custody, safeguarding and application of all moneys, and may provide that the properties shall be constructed and paid for under the supervision and approval of consulting engineers. The authority may provide by such trust indenture for the payment of the proceeds of the bonds and the revenues of the properties to the trustee under such trust indenture or other depository, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation and repairs of the properties. If the bonds shall be secured by a trust indenture the bondholders shall have no authority to appoint a separate trustee to represent them.

Notwithstanding any other provisions of this title, any resolution or resolutions authorizing bonds or notes of the authority shall contain a covenant by the authority that it will at all times maintain rates, fees, rentals or other charges sufficient to pay, and that any contracts entered into by the authority for the sale or distribution of water shall contain rates, fees, rentals or other charges sufficient to pay, the cost of operation and maintenance of the properties, the principal of and interest on any obligation issued pursuant to such resolution or resolutions as the same severally become due and payable, and to maintain any reserves or other funds required by the terms of such resolution or resolutions.

§ 1099. Notes of the authority. The authority shall have power and is hereby authorized to issue negotiable bond anticipation notes in conformity with applicable provisions of the uniform commercial code and may renew the same from time to time but the maximum maturity of any such note, including renewals thereof, shall not exceed five years from the date of issue of such original note. Such notes shall be paid from any moneys of the authority available therefor and not otherwise pledged or from the proceeds of sale of the bonds of the authority in anticipation of which they were issued. The notes shall be issued in the same manner as the bonds and such notes and the resolution or resolutions authorizing the same may contain any provisions, conditions or limitations which the bonds or a bond resolution of the authority may contain. Such notes may be sold at public or private sale at not less than par and shall bear interest at a rate not exceeding five per centum per annum. Such notes shall be as fully negotiable as the bonds of the authority.

§ 1100. Duty of authority to maintain and operate. It shall be the duty of the authority, subject to any limitation on the amount of revenues to be expended for such purpose, to maintain and operate and where necessary to reconstruct its properties.

§ 1101. Transfer of officers and employees. Any public officer or employee under civil service, selected by the authority may, with the consent of the commission, board or department by which he or she has been employed, be transferred to the authority and shall be eligible for such transfer and appointment without examination to comparable offices, positions and employment under the authority. The salary or compensation of any such officer or employee shall after such transfer be paid by the authority. But notwithstanding the provisions of this act, any such officers or employees so transferred to the authority, pursuant to the provisions of this section, who are members of or beneficiaries under any existing pension or retirement system, shall continue to have all rights, privileges, obligations and status with respect to such fund, system or systems as are now prescribed by law, but during the period of their employment by the authority, all contributions to any pension or retirement fund or system to be paid by the employer on account of such officers or employee, shall be paid by the authority; and all such officers and employees who have been appointed to positions under the rules and classifications of the civil service commission of the county of Monroe shall have the same status with respect thereto after transfer to the authority as they had under their original appointments. It is hereby declared that in the interest of efficiency and insofar as may be practicable, all employees engaged in the operation of any property or properties, except in an executive capacity, at the time such property or properties shall have been acquired by the authority, pursuant to the

provisions of this act, shall become the employees of the authority. The appointment and promotion of all employees of the authority shall be made in accordance with the provisions of the civil service law (constituting chapter seven of the consolidated laws) and such rules as the civil service commission of the county of Monroe may adopt and make applicable to such authority.

§ 1102. Agreements of the state. The state of New York does pledge to and agree with the holders of the bonds or notes that the state will not limit or alter the rights hereby vested in the authority to acquire, construct, maintain, operate, reconstruct and improve the properties, to establish and collect the revenues, rates, rentals, fees and other charges referred to in this title and to fulfill the terms of any agreements made with the holders of the bonds or notes, or in any way impair the rights and remedies of the bondholders or noteholders, until the bonds or notes, together with interest thereon, interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders or noteholders, are fully met and discharged.

§ 1103. State, county and municipalities not liable on bonds or notes. The bonds or notes of the authority shall not be a debt of the state of New York or of the county or of any municipality in the county, and neither the state nor the county nor any municipality in the county shall be liable thereon, nor shall they be payable out of any funds other than those of the authority.

§ 1104. Bonds and notes legal investments for fiduciaries. The bonds or notes are hereby made securities in which all public officers and bodies of this state and all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and savings associations, including savings and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, and all other persons whatsoever, except as hereinafter provided, who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds including capital in their control or belonging to them; provided that, notwithstanding the provisions of any other general or special law to the contrary, such bonds or notes shall not be eligible for the investment of funds including capital, of trusts, estates or guardianships under the control of individual administrators, guardians, executors, trustees and other individual fiduciaries. The bonds or notes are also hereby made securities which may be deposited with and may be received by all public officers and bodies of this state and all municipalities and municipal subdivisions for any purpose for which the deposit of bonds or other obligations of this state is now or may hereafter be authorized.

§ 1105. Exemption from taxes. 1. It is hereby determined that the creation of the authority and the carrying out of its corporate purposes is in all respects for the benefit of the people of the county of Monroe and its environments, and is a public purpose, and the authority shall be regarded as performing a governmental function in the exercise of the powers conferred upon it by this title and shall not be required to pay any taxes, special ad valorem levies or special assessments upon any property owned by it or under its jurisdiction, control or supervision or upon its activities, or any filing, recording or transfer taxes in relation to instruments filed, recorded or transferred by it or on its behalf.

2. Any bonds or notes issued pursuant to this title, together with the income therefrom shall be exempt from taxation, except for transfer and estate taxes. The revenues, monies and other properties and the activities of the authority shall be exempt from taxes and governmental fees or charges, whether imposed by the state or any municipality, including real estate taxes, franchise taxes or other excise taxes.

3. Notwithstanding any other provisions of this chapter, the authority may make payments in lieu of taxes to municipalities and school districts on any property of the authority located within the jurisdiction of such municipality or school district. The amounts of such payments in lieu of taxes shall be as determined by the authority, provided, however, that the sum paid by the authority for any year shall in no case exceed the sum last levied by the municipality or school district as an annual tax upon the property prior to its acquisition by the authority.

§ 1106. Tax contract by the state. The state of New York covenants with the purchasers and with all subsequent holders and transferees of bonds or notes issued by the authority pursuant to this title, in consideration of the acceptance of and payment for the bonds or notes that the bonds and notes of the authority issued pursuant to this title and the income therefrom, and all moneys, funds and revenues pledged to pay or secure the payment of such bonds or notes, shall at all times be free from taxation except for transfer and estate taxes.

§ 1107. Officers and employees not to be interested in transactions. It shall be a misdemeanor for any of the members of the authority, or any officer, agent, servant or employee thereof, employed or appointed by them to be in any way or manner interested directly or indirectly in the furnishing of work, materials, supplies or labor, or in any contract therefor which the authority is empowered by this title to make.

§ 1108. Contracts. 1. All contracts, or orders, for work, material or supplies performed or furnished in connection with construction shall be awarded by the authority pursuant to resolution. Such contracts, or orders, for work, material or supplies needed for any particular purpose involving an expenditure of more than five thousand dollars shall be awarded only after inviting sealed bids or proposals therefor. The notice inviting sealed proposals shall be published at least once in a newspaper or trade paper selected by the authority for such purpose, such publication to be at least ten days before the date for the receipt of bids. If the authority shall not deem it for the interest of the authority to reject all bids, it shall award the contract to the lowest bidder, unless the authority shall determine that it is for the public interest that a bid other than the lowest bid should be accepted. In any contract for work, material or supplies, there shall be inserted in the discretion of the authority a provision that additional work may be done or material or supplies furnished for the purpose of completing such contract at an expense not exceeding fifteen percentum of the amount of such contract if such additional work, materials or supplies shall be ordered by the authority. The bidder whose bid is accepted shall give security for the faithful performance of the contract, and such other security as the authority may require, and may be required to maintain for such period as shall be stipulated any construction done under the contract, all in the manner prescribed and required by the authority; and the sufficiency of such security shall, in addition to the justification and acknowledgment, be approved by the authority. All bids or proposals shall be publicly opened by the authority or its duly authorized agent. If the bidder whose bid has been accepted after advertising shall neglect or refuse to accept the contract within five days after written notice that the same has been awarded to him on his bid or proposal, or, if he accepts but does not execute the contract and give proper security the authority shall have the right to declare his deposit forfeited, and thereupon it shall be readvertised and relet as above provided. In case any work shall be abandoned by any contractor, the authority may, if the best interests of the authority be thereby served, adopt on behalf of the authority any or all sub-contracts made by such contractor for such work and all such sub-contractors shall be bound by such adoption if made; and the authority shall in the manner provided herein readvertise and relet the work specified in the original contract exclusive of so much thereof as shall be provided for in the sub-contract or sub-contracts so adopted. No bid shall be accepted from or any contracts awarded to, any person or corporation who is in arrears to the authority, or the county of Monroe upon any debt or contract, or is a defaulter as surety or otherwise upon any obligation of the authority, or the county. Every contract involving an expenditure of more than five thousand dollars when made and entered into as herein provided for shall be executed in duplicate, one copy of which shall be held by the authority and one copy of which shall be delivered to the contractor. Upon the adoption of a resolution by a vote of two-thirds of all the members of the authority stating that, for reasons of efficiency or economy, there is need for standardization, purchase contracts for a particular type or kind of equipment, material or supplies of more than five thousand dollars may be awarded by the authority to the lowest responsible bidder furnishing the required security after advertisement for sealed bids therefor in the manner provided in this section. Such resolution shall contain a full explanation of the reasons for its adoption.

2. For the purposes of article fifteen-A of the executive law only, the authority shall be deemed a state agency as that term is used in such article, and all contracts for procurement, design, construction, services and materials shall be deemed state contracts within the meaning of that term as set forth in such article.

§ 1109. Actions. 1. In any case founded upon tort a notice of claim shall be required as a condition precedent to the commencement of an action or special proceeding against the authority or any officer, appointee or employee thereof, and the provisions of section fifty-e of the general municipal law shall govern the giving of such notice. Except in an action for wrongful death, an action against the authority for damages for injuries to real or personal property, or for the destruction thereof, or for personal injuries, alleged to have been sustained, shall not be commenced more than one year and ninety days after the cause of action therefor shall have accrued.

2. An action against the authority for wrongful death shall be commenced in accordance with the notice of claim and time limitation provisions of title eleven of article nine of this chapter.

§ 1110. Audit of authority; annual report. In conformity with the provisions of section five of article ten of the constitution, the accounts of the authority shall be subject to the supervision of the state comptroller and such state comptroller and his legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and the books of the authority, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other matters relating to its financial standing. The authority shall annually submit to the governor and to the legislature a detailed report pursuant to the provisions of section twenty-eight hundred of this chapter.

§ 1111. Limitation of liability. Neither the members of the authority, nor any person or persons acting in its behalf, while acting within the scope of their authority, shall be subject to any personal liability resulting from the erection, construction, reconstruction, maintenance or operation of the properties or any of the improvements or from carrying out any of the powers expressly given in this title.

§ 1112. Title not affected if in part unconstitutional or ineffective. If any section, clause or provision of this title shall be held unconstitutional, or be ineffective in whole or in part, to the extent that it is not unconstitutional, or ineffective, it shall be valid and effective and no other section, clause or provision shall, on account thereof, be deemed invalid or ineffective.

§ 1113. Effect of inconsistent provisions. In so far as the provisions of this title are inconsistent with the provisions of any other act, general or special, or of any local law of any city, the provisions of this title shall be controlling. Nothing contained in this title shall be held to alter or abridge the powers and duties of the state department of health or of the water power and control commission over water supply matters.