

By-Laws of the Long Island Commission on Aquifer Protection

The Long Island Commission on Aquifer Protection was created by the Counties of Nassau and Suffolk. The Long Island Commission on Aquifer Protection adopts these by-laws for the management and regulation of its affairs.

Article I

Name, Purposes, Enabling and Reauthorization Resolutions

1. Name. The Long Island Commission on Aquifer Protection (“LICAP”).
2. Purposes. The powers, purposes and duties of LICAP are in all respects for the benefit of the people of the Counties of Nassau and Suffolk, for the improvement of their health, welfare and prosperity, by identifying areas for research related to Long Island’s Sole Source Aquifer system and to propose programmatic opportunities for preventing the further degradation of the aquifer system and for developing a State of Aquifer Report and Comprehensive Groundwater Resources Plan.
3. Enabling Resolutions. LICAP is created pursuant to Resolution No. 107-2013 of the Nassau County Legislature (the “Nassau Resolution”) and Resolutions 805-2013 and 997-2013 of the Suffolk County Legislature (the “Suffolk Resolution”).
4. Reauthorization Resolutions . LICAP was reauthorized and extended pursuant to Resolution No. 146-18 of the Nassau County Legislature (the “Nassau Reauthorization”) and Resolution No. 1311-2018 of the Suffolk County Legislature (the “Suffolk Reauthorization”)

Article II

Members of LICAP

1. Number of Voting Members. LICAP shall consist of Eleven Voting Members classified as follows:
 - a. Permanent Members. There shall be Seven Permanent Members, each to designate a representative, as specified in the Nassau Resolution and Nassau Reauthorization and the Suffolk Resolution and Suffolk Reauthorization. The Permanent Members shall be the Suffolk County Water Authority, the Long Island Water Conference, the Nassau-Suffolk Water Commissioner’s Association, the Nassau and Suffolk County Departments of Health, and the Nassau and Suffolk Soil and Water Conservation Districts.

- b. Appointed Members. There shall be Four Appointed Members as specified in the Nassau Resolution and Nassau Reauthorization and the Suffolk Resolution. One Appointed Member shall be appointed by each of the Nassau County Executive, the Suffolk County Executive, the Presiding Officer of the Nassau County Legislature and the Presiding Officer of the Suffolk County Legislature. Each of the Appointed Members shall reside in the County of their appointing entity and their appointment shall be approved by the Legislature of the county of their residence.

2. Number of Non Voting Ex Officio Members. There shall be Twelve Non-Voting Ex Officio Members of LICAP as follows:

- a. Ex officio members from Nassau County. There shall be Six Non-Voting Ex Officio members from Nassau County as designated in the Nassau Resolution and Nassau Reauthorization.
- b. Ex officio members from Suffolk County. There shall be Six Non-Voting Ex officio members from Suffolk County as set forth in the Suffolk Resolution and Suffolk Reauthorization.

3. Invited Non-Voting Ex Officio Members. Each of three entities, the New York State Department of Environmental Conservation, the United States Geologic Survey and the Long Island Groundwater Research Institute, shall be invited to designate a representative to serve as Non-Voting Ex Officio Members.

4. No Compensation, Benefits or Salary. Members, including both Voting and Non-Voting shall receive no salary, compensation or financial benefits for the services they provide to LICAP.

Article III

Qualifications, Terms, Residency, Vacancies, and Removal of Appointed Members

1. Qualifications of Appointed Members. The Appointed Members each shall possess the qualifications specified in the Nassau Resolution and Nassau Reauthorization and the Suffolk Resolution as the case may be.

2. Appointing Body and Term. The Appointed Members shall be appointed in such a manner and for the term as set forth in the Nassau Resolution and Nassau Reauthorization and the Suffolk Resolution and Suffolk Reauthorization and shall be residents of the County of their Appointing Body. Appointed members shall provide to LICAP a copy of their appointing resolution adopted by their Appointing Body.

3. Vacancies. Vacancies in the membership of the Appointed Members shall be filled in such a manner as set forth in the Nassau Resolution and Nassau Reauthorization or the Suffolk Resolution as the case may be.

4. Removal. Any Appointed Member may be removed by its Appointing Body for Cause, including if a member fails to attend half of all scheduled meetings within a calendar year.

Article IV Chair and Vice-Chair

1. Chairperson of LICAP. The Chairperson shall be the representative of the Suffolk County Water Authority, Long Island Water Conference or the Nassau-Suffolk Water Commissioner's Association. The Chairperson's term shall be for Two years.

2. Vice-Chairperson of LICAP. The Vice-Chairperson shall be the representative of the Suffolk County Water Authority, Long Island Water Conference or the Nassau-Suffolk Water Commissioner's Association. The Vice-Chairperson's term shall be for Two years.

3. Initial Chairperson and Vice-Chairperson. The initial Chairperson shall be the Suffolk County Water Authority's representative and the initial Vice-Chairperson shall be the Long Island Water Conference representative.

4. Successor Chairpersons and Vice-Chairpersons. Upon expiration of the terms of the initial Chairperson and Vice-Chairperson, the representative of the Long Island Water Conference shall become the Chairperson and the representative of the Nassau-Suffolk Water Commissioner's Association shall become the Vice-Chairperson. The Chair and Vice Chair shall rotate between the three entities in the following order: Suffolk County Water Authority, followed by Long Island Water Conference, followed by Nassau-Suffolk Water Commissioner's Association, followed by Suffolk County Water Authority and so on.

Article V Meetings

1. Regular Meetings. Regular meetings of LICAP shall be held no less than quarterly at a date, time and place fixed by Chairperson.

2. Notice of Meetings. Notice of LICAP meetings shall be provided pursuant to the provisions of the Open Meetings Law.

3. Special Meetings. Special meetings may be held upon twenty-four hours' notice to each Member. Notice may be oral, written, or by electronic means. Special Meetings may be called by the Chairperson or by any five Voting Members.

4. Matters for Consideration. Regular and special meetings shall be open for consideration of any matter that is properly brought to the attention of the Commission by the Chairperson or a majority of its Voting Members.

5. Quorum. Six Voting Members, which at a minimum must include three permanent Voting Members and at least one Voting Member from Nassau County and one

Voting Member from Suffolk County, shall constitute a quorum at any meeting duly called and held.

Article VI LICAP Powers and Duties

1. Powers. LICAP's powers are vested in and exercised by a Quorum of its Voting Members. The Voting Members shall have all those powers set forth in the Nassau Resolution and Nassau Reauthorization and the Suffolk Resolution and Suffolk Reauthorization. LICAP, by a duly authorized resolution of its Voting Members, may delegate to one or more of its Members, either Voting or Non-Voting, or its agents such powers and duties as it may deem proper.

2. Duties. The Voting Members of LICAP shall:
- a. Meet on no less than a quarterly basis.
 - b. Prepare or cause to be prepared a State of Aquifer Report within one year of its first meeting and update the Report on an annual basis.
 - c. Hold public hearings.
 - d. Prepare or cause to be prepared a Groundwater Resources Management Plan (GRMP) by April 1, 2019.
 - e. Authority to receive and expend public and private funds, enter into agreements, and to contract with public corporations to authorize the public corporation to apply for, hold, receive and disburse funds on behalf of and at the direction of LICAP.
 - f. Establish and exercise reasonable internal control of any funds it maintains and prepare or cause to be prepared an audit of such funds.
 - g. Perform each of their duties in good faith and with the degree of diligence, care and skill that an ordinarily prudent person in like position would use under similar circumstances, and apply independent judgment in the best interest of the Commission, its mission and the public.
 - h. Expand WaterTraq to include drinking water quality/test results information from all of Long Island's providers, including both treated and raw water results.
 - i. Monitor and seek the implementation of the GRMP's recommendations via legislative or regulatory action.
 - j. Develop and implement an Island wide comprehensive public education

program related to the value of water and conservation initiatives engaging all levels of government, not-for-profits, business entities and other stakeholders.

- k. Prepare and submit recommendations to the New York State Department of Environmental Conservation on opportunities to use Natural Resources Damages Funds to improve groundwater quantity and quality on Long Island.

ARTICLE VII Subcommittees

1. 2040 Water Resources and Infrastructure Subcommittee. The 2040 Water Resources and Infrastructure Subcommittee (2040 WRIS) shall be comprised of an equal number of Nassau and Suffolk Members with at least one Permanent Member. Members of the 2040 WRIS shall be appointed by and serve at the pleasure of the Voting Members.

2. 2040 Water Resource Opportunities Subcommittee. The 2040 Water Resource Opportunities Subcommittee (2040 WROS) shall be comprised of an equal number of Nassau and Suffolk Members with at least one Permanent Member. Members of the 2040 WROS shall be appointed by and serve at the pleasure of the Voting Members.

3. Long Island Nitrogen Action Plan Initiative (LINAP) - LICAP Subcommittee. LICAP shall seek to establish a subcommittee to work cooperatively with the Project Management Team of LINAP to identify opportunities for collaboration between the entities.

Article VIII Termination

LICAP shall terminate and cease to exist on December 28, 2023 unless re-authorized by duly enacted resolutions by the Nassau and Suffolk Legislatures.
