

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Erie

FILED  
STATE RECORDS

MAR 03 2016

DEPARTMENT OF STATE

Local Law No. 2 of the year 2016

A local law Authorizing Extended Period Leases with SolarCity through a Power Purchasing Agreement  
(Insert Title)

Be it enacted by the Erie County Legislature of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Erie

as follows:

## Section 1: Findings

The County Legislature hereby finds as follows: (i) that portions of the vacant land on parcel SBL 220.00-1-16 (hereinafter referred to as the "Big Sister Creek Wastewater Treatment Plant parcel") and parcels SBL 96.00-5-9.1 and 96.00-4-13 (hereinafter referred to as the "Alden Correctional Facility parcels") are not needed for the County's purposes and that such land shall be best utilized to the County's benefit by permitting the lease of land to SolarCity Corporation and/or Greenskies Renewable Energy, LLC. The parcels and the portions that may be leased are shown in Exhibit "A" attached hereto; and (ii) Said properties would be used for the construction of solar PV systems, where SolarCity Corporation and/or Greenskies Renewable Energy, LLC would own, operate and maintain said systems and the County would purchase the electricity generated.

## Section 2: Authorization to Enter in Contract

The County, as authorized under Legislative Communication 17E-5 (2015), may enter into power purchase agreements with SolarCity Corporation and/or Greenskies Renewable Energy, LLC relating to such surplus vacant land pursuant to the conditions set forth in the resolution enacted by the County Legislature and pursuant to the conditions set forth in any Section hereafter.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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### **Section 3: Authorization of Extended Lease Length**

Notwithstanding the provisions of Section 215 of New York State County Law or any special act or local law to the contrary, the County shall (i) permit the lease, for a period greater than five (5) years, of any unused portion of the Big Sister Creek Wastewater Treatment Plant parcel and Alden Correctional Facility parcels that are necessary for the power purchase agreements authorized pursuant to Legislative Communication 17E-5 (2015); and (ii) The County Legislature shall be notified of the final extents of the areas leased for the power purchase agreements.

### **Section 4: Assignment of Rights**

Should any portion of the Big Sister Creek Wastewater Treatment Plant parcel or Alden Correctional Facility parcels be subdivided, split, or suffixed, the rights provided for in this Local Law shall be transferred to the subdivided, split, or suffixed parcels.

### **Section 5: Severability**

If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion herein.

### **Section 6: Effective Date**

This local law shall take effect immediately upon its filing in accordance with Section 27 of the Municipal Home Rule Law.

**Sponsored By:**  
**Legislator Joseph C. Lorigo**

**REFERENCE: LOCAL LAW INTRO. 1-1 (2016)**

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*)**

I hereby certify that the local law annexed hereto, designated as local law No. <sup>2</sup> \_\_\_\_\_ of 20<sup>16</sup> of the ~~(County)(City)(Town)(Village)~~ of County of Erie was duly passed by the Erie County Legislature on February 4, 20<sup>16</sup>, and was (approved)(~~not approved~~) (repassed after disapproval) by the Erie County Executive and was deemed duly adopted on February 23 20<sup>16</sup>; in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

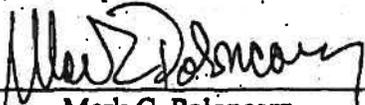
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 above.

Karen M. McCarthy  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 3/1/16

(Seal)

A Public Hearing was held on the foregoing Local Law Intro. No. 1-1 2016 on February 22, 2016, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 23<sup>rd</sup> day of February, 2016.

  
\_\_\_\_\_  
Mark C. Poloncarz

A Public Hearing was held on the foregoing Local Law Intro. No. 1-1 2016 on February 22, 2016, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this \_\_\_\_\_ day of February, 2016.

\_\_\_\_\_  
Mark C. Poloncarz