

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS DIXON, LORIGO, MILLS, AND RATH**

**Re: Calling for the NYS Comptroller to Publicly Audit NYS's Investment into the Riverbend Plant and Tesla's Current Plant Operations**

**WHEREAS**, New York State committed \$750 million in cash and offered Tesla a 10-year lease at the SolarCity facility for just \$1 a year; and

**WHEREAS**, in exchange for funding and the lease of state owned property and equipment, Tesla promised to create at least 1,460 high-tech jobs, 2,000 additional jobs relating to the sale and installation of the company's solar panels, and 1,440 support jobs in New York State; and

**WHEREAS**, five years have passed since the funding was initially provided to Tesla. Since that time the promises for jobs have been slashed by state officials and the quality of jobs created has been watered down to the point where any new job would qualify; and

**WHEREAS**, requests by media to examine the operations of the plant have been referred to as a dog and pony show, where smoke and mirrors are used to cover up the actual activity, or lack thereof, being conducted by Tesla; and

**WHEREAS**, repeated requests for a tour from local elected officials have been denied; and

**WHEREAS**, this honorable body finds the lack of transparency and accountability over the situation at Tesla disturbing. Any other entity that lends funding to a corporation with the expectation of a specific return would have commenced legal proceedings against Tesla by now. There seems to be no knowledge as to where the state funding was spent or what the equipment owned by New York State is currently doing; and

**WHEREAS**, the residents of New York deserve answers and clarity into what their investment bought; and

**WHEREAS**, a 2016 report from State Comptroller DiNapoli's office, auditing the NYS Excelsior Jobs Program, found that economic development staff routinely lowered the number of jobs required in contracts before companies fell short of meeting the initial targets; and

**WHEREAS**, it is a finding of this body that Tesla has consistently failed to make good on its promises regarding the operations at Riverbend; and

**WHEREAS**, it is a further finding of this body that New York State officials have routinely lowered stated targets for employment at the Riverbend site; and

**WHEREAS**, the residents of New York State have not gotten what they have paid for, and it is up to their elected representatives to ensure waste of taxpayer resources does not continue; and

**WHEREAS**, media reports in recent weeks indicate that Comptroller DiNapoli is auditing high-tech companies that operate in New York and part of that audit is to focus on the Tesla plant here in Erie County. New York's taxpayers deserve to know if there is an on-going audit and what the details of that process are.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this honorable body hereby calls for New York State Comptroller DiNapoli to perform a full audit of the operations being conducted by Tesla at the Riverbend plant; and, be it further

**RESOLVED**, that if the indications are correct, and the already on-going audit of high-tech industry will include Tesla, this honorable body hereby urges Comptroller DiNapoli to make Tesla and SolarCity the focus of the audit and to specifically include the information as requested in this Resolution; and, be it further

**RESOLVED**, that this body urges the following information be included in any audit of Tesla's Riverbend plant: SolarCity and Tesla's expenditure of the full \$750 million in taxpayer funding; an accounting of the fixtures and equipment located inside the Riverbend factory whether owned by Tesla, New York State, or any other third party; the production rate of products coming out of the Riverbend factory since the start of SolarCity's operations through to the present; any information regarding any sale or lease of any floor-space inside the Riverbend factory to any third-party, including a full accounting of any payment for said floor space made to either New York State or Tesla; and the status of job creation by SolarCity/Tesla since 2014, including the number of jobs created, the types of jobs created, the salaries for those types of jobs, and a comparison between what the state has received and what the initial expectations were; and, be it further

**RESOLVED**, that certified copies of this Resolution be sent to New York State Comptroller Thomas DiNapoli, Governor Andrew Cuomo, Buffalo Office of New York State's Empire State Development Corporation, and any other party deemed necessary and proper.

Fiscal Impact: None for Resolution