COUNTY OF ERIE
LOCAL LAW INTRO. NO. 10-1-2019
LOCAL LAW NO. ______-2019

THE ERIE COUNTY SOLAR POWER IMPROVEMENT ACT OF 2019

Be it enacted by the Legislature of the County of Erie as follows:

Section 1. Legislative Findings and Intent.

The Erie County Legislature is supportive of renewable energy and efforts by the Erie County government to reduce the County’s carbon footprint through renewable energy initiatives such as the development of solar and wind resources to generate electricity and reduce County costs for utilities.

The Erie County Legislature hereby finds: (i) that portions of the property on parcels SBL 65.12-1-1, 235.00-1-19, 142.23-1-4, 150.50-1-1 and 52.20-2-5 (hereinafter referred to as the "Erie County Facilities parcels") and parcels SBL 81.02-1-1, 160.19-1-4.1, 160.16-1-12 and 161.00-5-1 (hereinafter referred to as the "Erie Community College Facilities parcels") are not currently needed for the County’s purposes and that such parcels shall be best utilized to the County’s benefit by permitting their lease to Montante Solar Corporation; and (ii) said parcels shall be used for the construction of solar photovoltaic (PV) systems, where Montante Solar Corporation would own, operate and maintain said systems and the County would purchase the electricity generated from the solar PV systems under a power purchase agreement.

Section 2: Authorization to Enter in Contract

The Legislature has already voted twice to allow solar PV projects with Montante Solar Corporation to commence.

On September 26, 2019, the Legislature approved Comm. 18E-18, “Authorization to Enter into Contract for the Purpose of a Solar Power Purchase Agreement.” That resolution authorized the County Executive to enter into an agreement with Montante Solar for (1) their construction of solar arrays on five County properties, and then (2) a power purchase agreement with Montante Solar for the County’s purchase of electricity generated from those five solar PV systems.

On October 24, 2019, the Legislature approved Comm. 20E-18, “SUNY Erie Campus-Wide 2019 Solar Power Purchase Agreement.” That resolution authorized the County Executive to enter into an agreement with Montante Solar for (1) their construction of solar arrays at Erie Community College’s (ECC) South Campus, and then (2) a power purchase agreement with Montante Solar for ECC’s purchase of electricity generated from the solar PV systems at their South Campus.
As memorialized in Comm. 18E-18 and Comm. 20E-18, the County is authorized to enter into power purchase agreements with Montante Solar Corporation relating to such surplus space pursuant to the conditions set forth in those resolutions and pursuant to the conditions set forth in any section hereafter in this local law.

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 permit the lease to Montante Solar, for a period greater than five (5) years, of any unused portion of the above referenced parcels that are necessary for the power purchase agreements authorized pursuant to Comm. 18E-18 and Comm. 20E-18.

Section 4: Assignment of Rights

Should any portion of the Erie County Facilities parcels or Erie Community College Facilities 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: Effective Date

This Local Law shall take effect upon filing with the New York State Secretary of State.

Section 6: Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its specific application.

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