

NIAGARA COUNTY LEGISLATURE

FROM: Legislator John D. Ceretto et al. DATE: 05/19/2009 RESOLUTION # IL-064-09

<b>APPROVED BY</b>	<b>REVIEWED BY</b>	<b>COMMITTEE ACTION</b>	<b>LEGISLATIVE ACTION</b>
<b>CO. ATTORNEY</b>	<b>CO. MANAGER</b>	_____	Approved: Ayes <u>15</u> Abs. _____ Noes <u>2</u>
_____	_____	_____	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**AUTHORIZATION TO COMMENCE ACTION AGAINST THE NEW YORK POWER AUTHORITY**

WHEREAS, the New York Power Authority allowed the "voluntary sweeping" of \$544 million in funds to the New York State general fund on January 26, 2009, and

WHEREAS, minutes of the New York Power Authority's January and February 2009 meetings include authorizations to transfer \$544 million to the State's general fund during its 2009 and 2010 fiscal years that are termed "voluntary contributions" and "temporary transfers" by the Authority, and

WHEREAS, at its January 27, 2009 meeting, the Power Authority approved a voluntary contribution of \$119 million, and the Power Authority said that it would account for this transfer as a \$33 million expense for 2008, a \$78 million expense for 2009 and a \$8 million expense for 2010; and at its February meeting, the Power Authority approved a second voluntary contribution of \$107 million with the transfer scheduled for September 2009, and

WHEREAS, the Power Authority also approved two temporary transfers, of \$215 million collected from ratepayers and set aside in a reserve fund to satisfy an obligation to the federal government concerning the disposal of nuclear waste, and \$103 million from reserves set aside for construction projects, and

WHEREAS, the Power Authority also approved an 11% two-year rate increase for preferred-power users, and

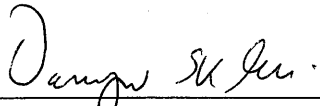
WHEREAS, the Power Authority has a statutory obligation to provide the "lowest possible rates" to preferred-power users including the residents of Niagara County and to charge preferred users of power generated by the Niagara Power Project at "cost", and

WHEREAS, these actions clearly run contrary to that legal obligation, now, therefore, be it

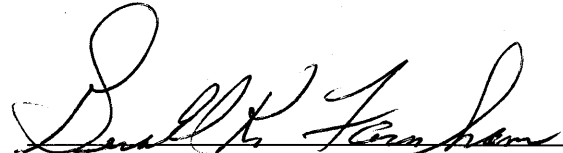
RESOLVED, that the County of Niagara shall commence legal action against the New York Power Authority seeking the reversal of those sweeps of Authority funds authorized in January and February of 2009, and seeking permanent injunction against further such sweeps and voluntary payments to the State of New York by the Authority, and be it further

RESOLVED, that the Legislature of the County of Niagara directs the County Attorney to take any and all necessary measures and legal procedures to provide for the legal action commenced by this resolution and to protect the citizens and industries of Niagara County from further predatory actions by the New York Power Authority and the State of New York.

  
LEGISLATOR JOHN D. CERETTO



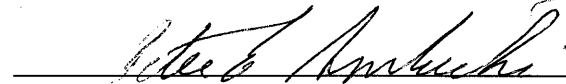
LEGISLATOR DANNY W. SKLARSKI



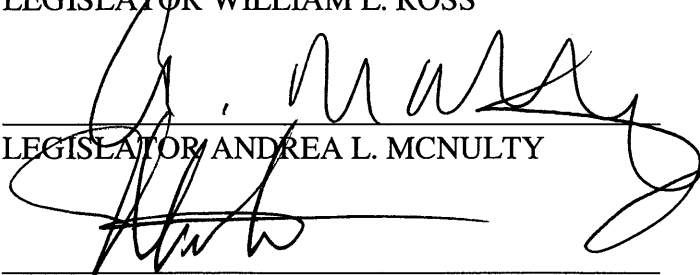
LEGISLATOR GERALD K. FARNHAM



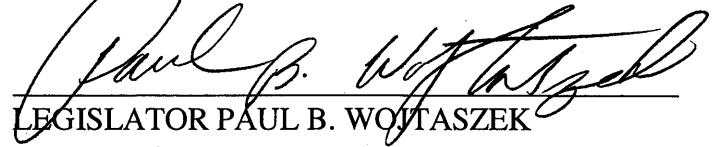
LEGISLATOR WILLIAM L. ROSS



LEGISLATOR PETER E. SMOLINSKI

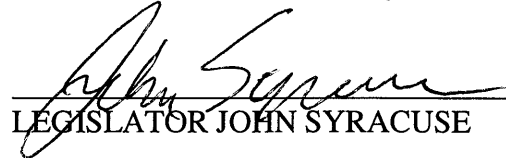


LEGISLATOR ANDREA L. MCNULTY



LEGISLATOR PAUL B. WOJTASZEK

LEGISLATOR MICHAEL A. HILL



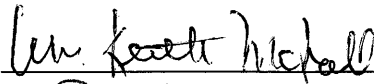
LEGISLATOR JOHN SYRACUSE



LEGISLATOR JASON J. MURGIA



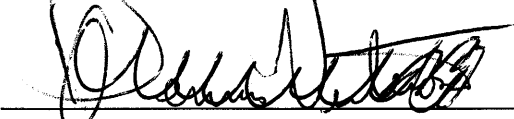
LEGISLATOR RICHARD E. UPDEGROVE



LEGISLATOR WM. KEITH MCNALL



LEGISLATOR ANTHONY J. NEMI



LEGISLATOR DENNIS F. VIRTUOSO



LEGISLATOR KYLE R. ANDREWS

LEGISLATOR JASON J. CAFARELLA



LEGISLATOR CLYDE L. BURMASTER

LEGISLATOR SEAN J. O'CONNOR



LEGISLATOR RENAE KIMBLE