

(Please Use this Form for Filing your 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~~ of LEWIS  
~~Town~~  
~~Village~~  
Local Law No. 3 of the year 19 83

A local law IN RELATION TO THE ESTABLISHMENT OF THE COUNTY OF LEWIS  
(Insert title)  
PUBLIC UTILITY SERVICE AGENCY.

Be it enacted by the Board of Legislators of the  
(Name of Legislative Body)

County  
~~CITY~~ of Lewis as follows:  
~~Town~~  
~~Village~~

(See Attached Sheets)

(If additional space is needed, please attach sheets of the same size as this and number each)

LOCAL LAW ~~INTRODUCTORY NO. 3-1983~~ NO. 3-1983  
COUNTY OF LEWIS

A LOCAL LAW IN RELATION TO THE ESTABLISHMENT OF THE COUNTY OF LEWIS PUBLIC UTILITY SERVICE AGENCY.

BE IT ENACTED by the Board of Legislators of the County of Lewis as follows:

SECTION 1. LEGISLATIVE FINDINGS AND DECLARATION OF PURPOSE. The Board of Legislators of the County of Lewis makes the following legislative findings and declarations of purpose: The County of Lewis has been concerned for some time with the high cost of electric power in the County and the effect of such costs on the economic growth and well-being of the County. It is essential for the County to take the necessary steps to obtain and maintain an adequate and reliable supply of less expensive electric power. By referendum held on November 8th, 1983 the voters of the County approved a proposition authorizing the County to establish a Public Utility Service Agency to construct, lease, purchase, own, acquire, use and/or operate a public electric utility service. The creation of a County Public Utility Service Agency will enable the County to contract for or otherwise purchase or acquire lower cost electric energy in the form of hydro-electric power and other economical forms of electricity from the State of New York or from any State agency, municipal, public or private corporation.

SECTION 2. DEFINITIONS. As used or referred to in this chapter, unless a different meaning clearly appears from the context:

(a) Public electric utility service shall mean any electric service authorized to be furnished by any public utility company pursuant to Article Four of the Public Service Law and shall include works, structures, poles, lines, wires, conduits, mains, systems, waterpower and any and all other real and personal property used or necessary for, connected with or relating to the furnishing of such electric utility service.

(b) Agency shall mean the County of Lewis Public Utility Service Agency.

(c) County shall mean the County of Lewis.

(d) County Board shall mean the Board of Legislators of the County of Lewis as the said Board now exists or may hereafter be constituted.

(e) Chairman shall mean the Chairman of the County of Lewis Public Utility Service Agency.

(f) Fiscal year shall mean the period beginning with the first day of January and ending with the thirty-first day of December in each year.

SECTION 3. PUBLIC UTILITY SERVICE AGENCY, MEMBERS.

(a) There is hereby created a "County of Lewis Public Utility Service Agency". The Agency shall consist of three members to be appointed by the Chairman of the County Board. The Chairman of the Agency shall be designated by the Chairman of the County Board from among the three members. All members shall be residents of the County at the time of their appointment and during their term of office.

(b) Members of the Agency shall be appointed for a term of three years except, that of those first appointed one member shall be appointed for a term of three years, one member shall be appointed for a term of two years and one member shall be appointed for a term of one year.

(c) Vacancies shall be filled in the same manner as original appointments.

(d) The Chairman of the County Board may suspend and may remove any member for inefficiency, neglect of duty, misconduct in office or any other reason.

(e) Neither the Chairman nor any other member shall receive a salary. Each member, including the Chairman, shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of that member's official duties. A majority of the whole number of members of the Agency then in office shall constitute a quorum for the transaction of any business or the exercise of any power of the Agency. For the transaction of any business or the exercise of any power of the Agency, the Agency shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance; however, in no event shall the Agency act without an affirmative vote of two members, notwithstanding any provision to the contrary. County employment is no disqualification for serving on the Agency.

SECTION 4. POWERS AND DUTIES.

(a) In discharging its powers and duties, the Agency:

(1) Shall have the power to contract for or otherwise purchase or acquire low cost hydro-electric power or such other economical forms of adequate and reliable electricity from the State of New York, any agency of the State of New York, any other municipal corporation, or any private or public corporation, or other sources, as shall be available for residents of the County of Lewis.

(2) Consistent with applicable law, shall have the authority to make and alter by-laws for its organization and internal management and to make rules and regulations governing the use of its property and facilities, which by-laws, rules and regulations shall be filed with the Clerk of the County Board.

(3) Shall have the authority to initiate and prosecute all inquiries, investigations, surveys, and studies which it may deem necessary or desirable for the effectuation of the powers and duties conferred upon it by this local law.

(4) Shall have the authority to exercise such other powers granted under law that are necessary or convenient to carry out and effectuate the purposes and provisions of this local law.

(5) Shall have the authority to study and recommend to the County Board the development of alternative energy sources for local needs or conservation purposes.

(b) Nothing herein should be construed as authorization for the County or the Agency on behalf of the County to exercise any power of condemnation or to establish generation, distribution and/or transmission facilities.

(c) Those provisions of the Laws of the State of New York pertaining to the award and execution of contracts and leases shall apply to the Agency.

(d) All monies of the Agency shall be managed and used by the Agency for the purposes of the Agency in accordance with sound financial procedures established by the Agency. Monies of the Agency shall be paid out on checks signed by the Chairman of the Agency or such other officer or employee as the Agency shall so authorize. The Agency may in its discretion elect to utilize the fiscal services of the Lewis County Treasurer and in such event the Lewis County Treasurer shall provide such fiscal services as are requested by the Agency. Monies of the Agency deposited with the Lewis County Treasurer shall be subject to requisition pursuant to direction of Lewis County Treasurer.

SECTION 5. METHOD OF OPERATION; RATE SETTING. The method of operation of the rates, rentals and charges for public electric utility service and the procedure for their collection shall be fixed by the Agency with the directive that no profit accrue to the County of Lewis.

SECTION 6. ANNUAL AUDIT. The Agency shall maintain books of record and account with respect to its operations in accordance with generally accepted principles consistently applied.

SECTION 7. TERMINATION. The Agency's existence shall continue until terminated by law, provided, however, that no such law shall take effect so long as the Agency shall have obligations outstanding. The terms of the members of the Agency shall expire upon the enactment of a law terminating the Agency's existence and the County Board shall constitute the Agency until the effective date of the Agency's expiration. Upon termination of the existence of the Agency, all its rights and properties shall pass to and be vested in the County. No law terminating the existence of the Agency shall be enacted except upon an affirmative two-thirds vote of all the members of the County Board.

SECTION 8. SEPARABILITY. If any section, subdivision, paragraph, sentence, clause or provision of this local law shall be unconstitutional or be ineffective in whole or in part, to the extent that it is not unconstitutional or ineffective, it shall be valid and effective and no other section, subdivision, paragraph, sentence, clause or provision shall on account thereof be deemed invalid or ineffective.

SECTION 9. EFFECTIVE DATE. This local law shall take effect immediately.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. 3 of 19 83.  
County  
of the ~~City~~ of Lewis was duly passed by the Board of Legislators  
~~Town~~ ~~Village~~ (Name of Legislative Body)  
on December 6th 19 83 in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_\_  
County  
of the ~~City~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_  
~~Town~~ ~~Village~~ (Name of Legislative Body)  
on \_\_\_\_\_ 19\_\_\_\_\_. and was approved not disapproved by the \_\_\_\_\_  
repassed after disapproval Elective Chief Executive Officer \*  
and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_\_, 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 19\_\_\_\_\_  
County  
of the ~~City~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_  
~~Town~~ ~~Village~~ (Name of Legislative Body)  
on \_\_\_\_\_ 19\_\_\_\_\_. and was approved not disapproved by the \_\_\_\_\_  
repassed after disapproval Elective Chief Executive Officer \*  
on \_\_\_\_\_ 19\_\_\_\_\_. Such local law was submitted to the people by reason of a  
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting  
permissive general  
thereon at the special election held on \_\_\_\_\_ 19\_\_\_\_\_, in accordance with the appli-  
annual  
cable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_\_  
County  
of the ~~City~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on  
~~Town~~ ~~Village~~ (Name of Legislative Body)  
\_\_\_\_\_ 19\_\_\_\_\_. and was approved not disapproved by the \_\_\_\_\_ on  
repassed after disapproval Elective Chief Executive Officer \*  
\_\_\_\_\_ 19\_\_\_\_\_. Such local law being subject to a permissive referendum and no  
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on  
\_\_\_\_\_ 19\_\_\_\_\_, 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 chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with 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 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 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 election held on ..... 19 ..... 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 19..... of the County of ....., State of New York, having been submitted to the Electors at the General Election of November ....., 19 ....., 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 of 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 ..... above.

*Barath E. Kotel*

Clerk of the County legislative body, ~~CITY/TOWN/VILLAGE CLERK~~  
~~office designated by local legislative body~~

Date: December 7th, 1983

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK

COUNTY OF .....Lewis.....

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Kenneth B. Wolfe*

.....  
Kenneth B. Wolfe Signature

.....  
County Attorney

Title

Date: December 7th, 1983

County  
~~City~~ of Lewis  
~~Town~~  
~~Village~~