

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

(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 of Erie

☐ Town

☐ Village

Local Law No. 5 of the year 20 07

A local law entitled The Energy Efficient Products Act which mandates that Erie County only purchase
(Insert Title)
electrical products that are Energy Star rated.

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

☒ County

☐ City of Erie

☐ Town

☐ Village

as follows:

SECTION 1. Findings and Purpose

(A) FINDINGS—The Erie County Legislature finds that:

1. The cost of energy is skyrocketing and will likely continue to increase, as such, Erie County's energy bills will continue to increase.
2. Energy use by municipalities contributes substantially to the problems of pollution and global climate change.
3. Energy costs can be reduced by purchasing energy efficient air conditioning, lights and electrical appliances.

(B) PURPOSE—This law is enacted to more efficiently spend public funds and protect the health and welfare of Erie County residents.

SECTION 2. Definitions

DEFINITIONS. In this section,

1. "Erie County" means every County office, board, commission, committee, bureau, department or public institution of higher education.

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

(Continued from Local Law Filing Form for Local Law No. 5-2007)

2. "Energy Star products" means products that are certified by the United States Department of Energy or the United States Environmental Protection Agency as Energy Star or that are certified under the Federal Energy Management Program.

SECTION 3. Procurement Standards

1. Erie County shall purchase Energy Star products when such products are available. The County may include non-Energy Star rated equipment as an alternate in the bid documents to enable lifecycle costing analysis to be performed as part of the analysis of responsive bids. The County shall be required to award a contract that includes the procurement of Energy Star rated equipment unless the agency can demonstrate, in writing, that the interests of the County would be better served by procuring non-Energy Star rated equipment.

2. Prior to initiating a request for procurement of any product, an agency shall review the specifications for such product to determine whether an Energy Star product is available. If an Energy Star product is available, the agency is required to include in its bid specifications the requirement that the product be an Energy Star product unless the agency can demonstrate, in writing, to the satisfaction of the agency head, that a product with an Energy Star rating meets at least 1 of the following criteria:

- (a) The product is not available competitively,
- (b) The product is not available within a reasonable time frame, or
- (c) The product does not meet appropriate performance standards.

SECTION 4. 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 hereof.

SECTION 5. This local law shall take effect immediately in accordance with the provisions of the Municipal Home Rule Law.

(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.
(Name of Legislative Body)

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. 5 of 20 07 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on July 26, 20 07, and was (approved)(not approved) ~~(not approved)~~
(Name of Legislative Body)
~~(repassed after disapproval)~~ by the Erie County Executive and was deemed duly adopted
(Elective Chief Executive Officer*)
on August 16, 20 07, 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)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____
(Elective Chief Executive Officer*)

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)
(Name of Legislative Body)
(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*)

* 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.

Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: _____

(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 _____ Erie _____

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.

Signature

Meredith A. Conner

Title

Assistant County Attorney

County

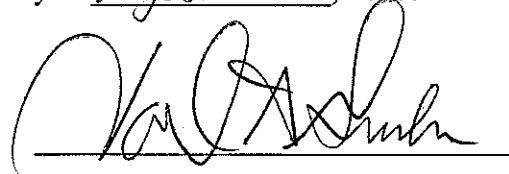
~~City~~ of Erie

~~Town~~

~~Village~~

Date: _____

A Public Hearing was held on the foregoing Local Law Intro. No. 4-2007 on Thursday, August 9, 2007 at 9:00 a.m., 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, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 16th day of August, 2007.

A handwritten signature in black ink, appearing to read "Joel A. Giambra", is written over a horizontal line.

A Public Hearing was held on the foregoing Local Law Intro. No. 4-2007 on Thursday, August 9, 2007 at 9:00 a.m., 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, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this _____ day of _____, 2007.
