

RESOLUTION NO. 43

APPROVING A SETTLEMENT AGREEMENT WITH HUDSON RIVER BLACK RIVER REGULATING DISTRICT

Introduced: 2/11/13

By Audit and Finance Committee:

WHEREAS, The Hudson River Black River Regulating District (the District) has instituted the taxation of Albany commencing with 2009-2010 for flood protection benefits provided by the Conklingville Dam, and

WHEREAS, Albany County and other similarly taxed counties brought suit against the District which ultimately resulted in an appellate decision that found the counties liable, and

WHEREAS, The County Attorney has recommended the County approve the negotiated settlement with the District which includes a stipulation that the District will not raise the assessment through the District's 2012-2015 and 2015-2018 budget cycles and it will not increase the annual assessment more than 2% thereafter, and

WHEREAS, The negotiated settlement also includes the payment of back taxes for the following periods, amounts and payment due dates:

Period	Amount	Due Date
2009-2010 & 2010-2011	\$1,209,575	02/28/2013
2011-2012	\$1,034,698	03/31/2013
2012-2013	\$1,034,698	10/31/2013

now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to execute any necessary instruments to effectuate the settlement of this claim, and, be it further

RESOLVED, That the County Attorney is authorized to approve said settlement agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Adopted by unanimous vote. 2/11/13