



THE LEGISLATURE NIAGARA COUNTY

LEGISLATOR RENAE KIMBLE
2nd DISTRICT
DEPUTY MINORITY LEADER

LEGISLATOR PAUL B. WOJTASZEK
11th DISTRICT
CHAIRMAN, COMMUNITY SAFETY
AND SECURITY COMMITTEE

January 5, 2010

The Honorable William L. Ross, Chairman
and the Honorable Members,
The Niagara County Legislature
175 Hawley Street
Lockport, New York 14094

To the Honorable Chairman and Our Colleagues:

We are writing to urge this body to take up fully the cause of transparency and openness in government. As you all know, our colleagues Legislators Sklarski and Ceretto filed a lawsuit demanding the Niagara Falls Bridge Commission abide by federal and state laws governing the dissemination of information following the Commission's refusal to comply with a request submitted by our colleagues. The Commission has continued to act lawlessly, refusing to comply with either the laws of the United States and the State of New York, where it operates, or, for that matter, the laws of Canada and the Province of Ontario, where it also operates. This refusal to provide requested information is in direct contravention of New York State's Freedom of Information Law and the federal Freedom of Information Act, as well as the guidance provided per the revocation of Executive Order 13233 by President Obama on January 21, 2009. As the Bridge Commission was created by a Joint Resolution of Congress issued in 1938, it is clear that, at a minimum, the federal Freedom of Information Act is applicable and Legislators Sklarski and Ceretto are entitled to the requested information, as are their constituents, on whose behalf they are acting.

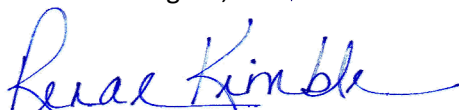
Subsequently, Senator George D. Maziarz filed a brief with the United States District Court for the Western District of New York supporting our colleagues, urging the presiding judge to both enforce release of the requested materials and to order payment by the Bridge Commission of those attorney fees incurred by our colleagues in pursuit of openness in government. Our body, however, has yet to take any steps urging the same remedy from the Federal Court. As representatives of the people of Niagara County, we have a duty to stand shoulder-to-shoulder with our colleagues when they are fighting for their constituents' rights, and for what is right.

In light of these facts, we will formally submit a resolution at the next meeting of this body, that a letter be issued bearing the signature of the Chairman and all members voting in favor of that resolution, and that said letter be directed to the attention of the presiding judge in this matter. We urge that this body announce our full support of the lawsuit, and urge the judge to both compel the Bridge Commission to abide by the federal Freedom of Information Act and to award Legislators Sklarski and Ceretto the attorneys' fees they have incurred in pursuit of justice for their constituents.

Thank you for your attention.

With Warm Personal Regards, we are

Your colleagues,


Renae Kimble


Paul B. Wojtaszek