

SUSPENSION



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

February 6, 2013

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Designation of 2012 Funds for Risk Retention Fund

Dear Honorable Members:

The Erie County Department of Law is requesting legislative authorization for the designation of \$1,000,000 in available 2012 funds in the Risk Retention Fund ("Fund") to be utilized in the Fund for 2013. This request is necessary because the Adopted 2013 Erie County Budget only provided \$69,498 in the Fund for 2013 and payment requests are currently being held due to the unavailability of funds.

If you have any questions regarding this designation, please contact County Attorney Michael Siragusa.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/tc

Attachment

cc: Michael Siragusa, Erie County Attorney
Robert W. Keating, Director of Budget and Management

MEMORANDUM

To: Erie County Legislature
From: Department of Law
Re: Designation of 2012 Funds for Risk Retention Fund
Date: February 5, 2013

SUMMARY

The Adopted 2013 Erie County Budget included only \$69,498 in funds for the Risk Retention Fund ("Fund"). In order to pay insurance premiums and legal expenses, including current mounting bills, the Fund needs money to be rolled over from the available balance in 2012. The Department of Law is therefore requesting the designation of \$1,000,000 of 2012 funds in the Fund for use in 2013.

FISCAL IMPLICATIONS

\$1,000,000 in funds are available in the Risk Retention Fund from 2012.

REASONS FOR RECOMMENDATION

The County must pay its insurance premiums and legal expenses, including legal counsel and judgments and settlements. Without the designation, the Department of Law will not be able to pay for these expenses.

CONSEQUENCES OF NEGATIVE ACTION

The County will be in violation of its engagement letters with outside counsel, will lose insurance coverage, and would be in violation of court directed settlement and judgment payments.

STEPS FOLLOWING APPROVAL

Upon approval of this resolution, the Department of Law will work with the Division of Budget and Management to transfer the funds.

**A RESOLUTION SUBMITTED BY:
DEPARTMENT OF LAW**

RE: Designation of 2012 Funds for Risk Retention Fund

WHEREAS, the Adopted 2013 Erie County Budget included only \$69,498 in funds for the Risk Retention Fund ("Fund"), and not the \$3,000,000 requested; and

WHEREAS, in order to pay insurance premiums and legal expenses, including current mounting bills, the Fund needs money to be rolled over from available balances in 2012; and

WHEREAS, the Department of Law is therefore requesting the designation of \$1,000,000 of available 2012 funds in the Risk Retention Fund for use in the Fund in 2013.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to designate available 2012 funding in the County Attorney's Risk Retention Fund, in the amount of \$1,000,000 to be budgeted and utilized in the 2013 Risk Retention Fund; and be it further

RESOLVED, that the Division of Budget and Management and Comptroller's Office are authorized to make all necessary entries to effectuate this designation; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Law, the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.