

**A RESOLUTION TO BE SUBMITTED
BY LEGISLATORS GRANT, MAZUR, HOGUES,
MARINELLI, LOUGHRAN, McCracken & DIXON**

RE: Standing in Solidarity with the County Executive and Comptroller Contesting the Factually Erroneous and Legally Baseless Federal Audit Regarding Emergency Cleanup Following the October 2006 Surprise Storm

WHEREAS, the Inspector General at the Department of Homeland Security (DHS) recently released an audit alleging that a former County Executive violated FEMA rules governing cleanup contracts following federally-declared disasters; and

WHEREAS, on a bipartisan basis, Erie County's Congressional Representatives, U.S. Senators, the current County Executive and County Comptroller are joining together to protest the recommendation in the audit that Erie County taxpayers repay \$48.5 million in FEMA funds; and

WHEREAS, the collective, bipartisan protest cites federal legislation that, in effect, supersedes any FEMA regulations, policies and procedures outlined in the audit; and

WHEREAS, according to current County Executive Mark Poloncarz, former County Executive Joel Giambra did properly direct the Purchasing Division to award contracts to local businesses in accordance with federal legislation; and

WHEREAS, County Executive Poloncarz further asserts that federal law in effect at the time of the October Surprise Storm of 2006 "specifically directs that in federally-declared disasters, local officials give explicit preferences for hiring local businesses to perform disaster recovery;"

WHEREAS, County Comptroller Stefan Mychajliw has also offered to work with our federal congressional delegation in a timely fashion, noting that the DHS audit requires Erie County to prepare responses to their findings within 90 days of January 29, 2013.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature stand together with the Erie County Executive, County Comptroller and WNY Congressional Delegation in contesting the factually erroneous and legally baseless audit issued by the inspector general of the Department of Homeland Security with regard to Erie County's actions following the October Surprise Storm of 2006; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the WNY Congressional Delegation, U.S. Senators Charles Schumer and Kirsten Gillibrand, Secretary for Homeland Security Janet Napolitano, County Executive Mark Poloncarz, County Comptroller Stefan Mychajliw, Governor Andrew Cuomo and all others deemed necessary and proper.

FISCAL IMPACT: None for resolution.