

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS WHYTE, GRANT, MARINELLI, KOZUB,
MAZUR, LOUGHRAN, WHALEN & BOVE**

RE: REPRESENTATION IN UNITED STATES DISTRICT COURT

WHEREAS, Erie County Board of Elections Commissioner Ralph Mohr filed suit against the County of Erie, the County Executive, and the Erie County Legislature in United States District Court, Western District of NY before the Honorable Judge William Skretny; and

WHEREAS, a majority of the members of the Erie County Legislature passed a reapportionment plan vetoed by the County Executive; and

WHEREAS, the County Attorney cannot represent both the County Executive and the County Legislature as defendants in a lawsuit when they have conflicting positions.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature must name separate counsel to represent its interests in the matter pending before Judge Skretny; and be it further

RESOLVED, that the Erie County Legislature hereby name the firm of Personius Melber LLP as its counsel in the aforementioned lawsuit; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive, the Erie County Attorney, the Erie County Comptroller, and both the Democratic and Republican Commissioners of the Board of Elections.

Fiscal Impact: To be determined