



COUNTY OF ERIE
STEFAN I. MYCHAJLIW
COMPTROLLER

May 30, 2013

The Honorable Betty Jean Grant
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Hon. Ms. Grant:

Pursuant to Article 26, Section 2617 of the Erie County Charter, I am writing to respectfully request that you consider making several appointments to the Erie County Audit Committee to fill vacancies and/or reappoint existing members.

Section 2617 of the Charter defines the Audit Committee's membership as follows:

- a. One majority member of the county Legislature to be appointed annually by the majority members of the Legislature.
- b. One minority member of the county Legislature to be appointed annually by the minority members of the Legislature.
- c. The county Legislature shall consider at least three qualified candidates which have been recommended by the Erie county bar association and shall initially appoint one of these nominees for a one year term. Thereafter, and at the expiration of the term of the initial appointee, the appointment shall be made for a term of three years.
- d. The county Legislature shall consider at least three qualified candidates which have been recommended by the western New York chapter of the New York state association of certified public accountants and shall initially appoint one of these nominees for a two year term. Thereafter, and at the expiration of the term of the initial appointee, the appointment shall be made for a term of three years.
- e. The county Legislature shall consider at least three qualified candidates which have been recommended by the commercial bank located within Erie County and shall initially appoint one of these nominees for a three year term. Should fewer than three such candidates be recommended by commercial banks, the Legislature may add a resident of Erie County who has demonstrable expertise in commercial banking industry to the list of nominees.

Both Legislator Lynn Marinelli, the representative from the Majority Caucus and Legislator John Mills the representative from the Minority Caucus were reappointed in February, 2013 for terms to end December 31, 2013 (see copy of resolution attached).

I am pleased to make the following recommendations for the three statutory non-legislative representatives:

I ask your Honorable Body consider reappointing Daniel Tirone, CPA, as the New York State Society of Certified Public Accountants ("NYSSCPA") representative. Mr. Tirone is a partner in the firm of Downing & Tirone Certified Public Accountants and would begin his second three year term.

I ask that your Honorable Body consider appointing Josh Heim as the representative of the banking community. Mr. Heim is Senior Vice-President at M&T Bank and would begin a three year term.

Courtland "Corkie" LaValle, former partner in Kavinoky Cooke, LLP, has completed six years of work on the Committee and under Section 2617 of the Charter, he could not be reappointed to another consecutive term. He has performed exemplary service to the Committee and the County and deserves the thanks of your Honorable Body for his service.

I am recommending that John P. Ford, a Partner in the law firm of Damon Morey LLP replace Mr. LaValle. Mr. Ford has indicated that he desires appointment to the Committee. I ask that your Honorable Body consider appointing Mr. Ford.

For your convenience and assistance, enclosed is a recommended draft resolution to effectuate appointments and reappointments.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,



Stefan I. Mychaliw
Erie County Comptroller

cc. Teresa M. Fraas, Audit Committee Secretary

**A RESOLUTION TO BE SUBMITTED
BY LEGISLATOR GRANT**

RE: APPOINTMENTS TO THE ERIE COUNTY AUDIT COMMITTEE

WHEREAS, the Erie County Legislature is required to designate among its membership one Majority Caucus member and one Minority Caucus member to the Erie County Audit Committee for the year 2013.

NOW, THEREFORE, BE IT

RESOLVED, that Legislator Lynn M. Marinelli is hereby reappointed as the Majority Caucus member of the Erie County Legislature to the Erie County Audit Committee for a term ending December 31, 2013; and be it further

RESOLVED, that Legislature Minority Leader John J. Mills is hereby reappointed as the Minority Caucus member of the Erie County Legislature to the Erie County Audit Committee for a term ending December 31, 2013; and be it further

RESOLVED, that a certified copy of this resolution be sent to the County Executive, Comptroller, and the Erie County Audit Committee.

Fiscal Impact: None for resolution.



DAMON MOREY^{LLP}
ATTORNEYS AT LAW

John P. Ford



CONTACT INFORMATION

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CONCENTRATIONS

General Litigation
General Negligence and Casualty
Insurance Defense & Coverage
Medical Malpractice Defense
Municipal Liability
Products Liability

EDUCATION

- >> Canisius College - BA
- >> State University of New York at Buffalo Law School - JD

Mr. Ford is a Partner at Damon Morey LLP, practicing in the firm's Litigation Department. He serves as a member of the Firm's Associates' Committee.

Mr. Ford handles all aspects of litigated matters, from pre-suit discovery through trial. He is experienced in personal injury matters, motor vehicle/trucking accidents, medical malpractice defense, injuries on property, products liability, and construction accidents. He represents individuals, professionals, local and national businesses, hospitals, and municipalities in all New York State Courts and in Federal Court, the Western District of New York.

Mr. Ford received his J.D. from the University at Buffalo Law School in 2004. While attending law school, Mr. Ford was actively involved with the University's National Trial Team Program, earning Finalist awards as a member of the National Trial Competition and Texas Young Lawyer's Association teams. He earned his undergraduate degree from Canisius College where he played goaltender for the Golden Griffins' Soccer Team and was a walk-on guard for the Men's Basketball Team.

Currently, Mr. Ford is a member of the Bar Association of Erie County and New York State Bar Association. He serves as an instructor and coaching assistant for the University at Buffalo Law School Trial Team and is a board member for the Northwest Community Mental Health Facility. In the past, Mr. Ford served as a radio color commentator for the Canisius College Men's Basketball Team on 710 AM.

A RESOLUTION TO BE SUBMITTED
BY LEGISLATOR _____

RE: APPOINTMENTS TO THE ERIE COUNTY AUDIT COMMITTEE

WHEREAS, the Erie County Legislature has received notification from the Office of the County Comptroller of vacancies on the Erie County Audit Committee, and

WHEREAS, the Office of Comptroller has informed the Legislature that it is necessary that all three (3) positions on the Audit Committee need to filled,

NOW, THEREFORE, BE IT

RESOLVED, that John P. Ford is hereby appointed as a member of the Erie County Audit Committee for a term ending December 31, 2015, and be it further

RESOLVED, that Josh Heim is hereby appointed as a member of the Erie County Audit Committee for a term ending December 31, 2015, and be it further

RESOLVED, that Daniel Tirone is hereby reappointed as a member of the Erie County Audit Committee for a term ending December 31, 2015, and be it further

RESOLVED, that a certified copy of this resolution be sent to the Erie County Audit Committee, and Teresa M. Fraas, Deputy Comptroller for Audit.

Fiscal Impact: None