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COUNTY OF ERIE

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June 16, 2014

VIA HAND DELIVERY

Mr. Scott W. Kroll, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

VIA FACSIMILE TO
(716) 537-9749

AND HAND DELIVERY

Mr. Ronald P. Bennett Esq., Parliamentarian
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Messrs. Kroll and Bennett:

I am in receipt of purportedly certified resolutions from the 12th Session of the Erie County Legislature sent to this office by Clerk Kroll. I have been advised that the 12th session which commenced on Thursday, June 12, 2014 was not adjourned, but rather recessed to be concluded at 12:00 pm on Thursday, June 19, 2014. As such, this office is in need of a written opinion of Parliamentarian Bennett as to several matters.

First, it is my understanding that many resolutions, including but not limited to Comm. 12E-34 providing for the adjustments to of the Department of Social Services' Child Protective Services Division, were sent to committee by Chairman John Mills pursuant to section 2.10 of the 2014 Rules of Order of the Erie County Legislature ("2014 Rules"). It is my further understanding that some of said resolutions will be heard and potentially acted upon in committee this week, prior to the Legislature reconvening the 12th Session. I am uncertain of the propriety of such actions.

As you are aware, section 3.06 of the 2014 Rules requires that reports of the committees (including open items) be in writing and presented to the full Legislature for consideration at the next succeeding regular Session of the Legislature. Except for the annual meeting of the Budget, Finance and Management Committee, I am unaware of any vehicle for recessing a Session for

Comm. 13D-2

Mr. Scott W. Kroll, Clerk
Mr. Ronald P. Bennett, Esq., Parliamentarian
Page 2
June 16, 2014

committee meetings and then reconvening the Session to consider items that were directed to committee.

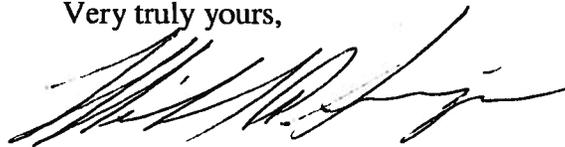
Referrals to committee are not amendable or debatable and can only be challenged in accordance with section 2.08 of the 2014 Rules. If it is the intention of the Legislature to vote on 12th Session items directed to committee, it is advisable that the 12th Session be formally adjourned prior to the committee meetings and that a Special Session be held at a time following the committee meetings and upon the required 48 hour notice.

Second, resolutions including but not limited to, Comm. 12E-8 authorizing the appropriation of additional 2014 highway funds, and those included as part of approved committee reports have been certified by Clerk Kroll. Since the 12th Session has not been adjourned, our office is unable to provide an opinion as to the effect and enforceability of such resolutions.

Therefore we respectfully request that Parliamentarian Bennett provide this office with a written opinion on these matters, including cites to the applicable 2014 Rules, Roberts Rules of Order or such other governing Rules, as soon as possible so as not to jeopardize the legitimacy of approved items and the ability to hold committee hearings on Thursday, June 19, 2014.

Should you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,



MICHAEL A. SIRAGUSA
Erie County Attorney

cc: Hon. Mark C. Poloncarz, Esq., County Executive
Erie County Legislature