

SUSPENSION



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

February 3, 2016

The Honorable
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

IMMEDIATE CONSIDERATION REQUESTED

Re: Assistant County Attorney – Assigned to Erie Community College

Dear Honorable Members:

In order to provide legal services and counsel to Erie Community College, the Department of Law is requesting authorization to create a new Assistant County Attorney position.

If you have any questions regarding this request, please contact Erie County Attorney Michael Siragusa. Thank you.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/ms

cc: Michael Siragusa, Esq., Erie County Attorney

SUSPENSION

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Law
Re: Assistant County Attorney – Assigned to Erie Community College
Date: February 3, 2016

SUMMARY

Legislative authorization is requested to create a new Assistant County Attorney position in the Department of Law and to make the necessary budgetary adjustments to fund said position. This position will be utilized to provide legal services to and for Erie Community College.

FISCAL IMPLICATIONS

The funding for this position will be provided via savings in, and a budgetary transfer from the Medicaid-MMIS account in the Department of Social Services. The total cost is \$106,502 and funding will be allocated from 2015 savings in the MMIS account and re-appropriation into 2016.

REASONS FOR RECOMMENDATION/BACKGROUND INFORMATION

Until 2011, the County provided legal counsel and services for Erie Community College ("ECC") through the Department of Law. In 2011, ECC created a new position of Executive Vice President for legal affairs. The incumbent in that position has resigned from ECC effective February 10, 2016. Under the law, the County is required to provide legal counsel for the college or to authorize a college employee who is an attorney to perform these functions.

Once the incumbent resigns, the college will have no legal counsel available and authorized by the County to conduct legal matters for ECC, thus compelling the time urgency to create the new position and fill it as soon as possible in order for ECC legal, contractual and other related work to continue. After consulting with the ECC President, the county executive has determined that rather than authorizing an ECC employee to conduct this work, the County prefers to conduct the legal work using the Department of Law.

Due to this resignation and vacancy, and in the context of a Office of State Comptroller audit of ECC and related issues and concerns, the County desires to resume providing legal services for ECC, thus necessitating the creation of a new Assistant County Attorney position in the Department of Law.

Due to the complexity of the issues involving ECC, an Assistant County attorney at job group 17 is deemed necessary. Even at this job group, the pay for the person in this title will be substantially lower (by nearly \$40,000) than the base salary for the college's existing position of executive vice president-legal.

CONSEQUENCES OF NEGATIVE ACTION

Legal and related services for ECC will not be provided, creating significant issues for the college and County, including with litigation and contracts.

SUSPENSION

STEPS FOLLOWING APPROVAL

The Department of Law will work with the Division of Budget and Management to effectuate the budget transfers and the Department of Personnel to create the position and provide legal services for ECC.

SUSPENSION

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF LAW

Re: Assistant County Attorney – Assigned to Erie Community College

WHEREAS, until 2011, the County provided legal counsel and services for Erie Community College ("ECC") through the Department of Law; and

WHEREAS, in 2011, ECC created a new position of Executive Vice President for legal affairs in which capacity the college handled its legal affairs and matters; and

WHEREAS, the incumbent in that position has resigned from ECC effective February 10, 2016; and

WHEREAS, due to this resignation and vacancy, and in the context of a recent Office of State Comptroller audit of ECC, the County desires to resume providing legal services for ECC; and

WHEREAS, this therefore necessitates the creation of a new Assistant County Attorney position in the Department of Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the creation of one new position of Assistant County Attorney, Job Group 17, Step 0 (annualized salary \$76,496) in the Department of Law effective February 13, 2016; and be it further

RESOLVED, that the following budgetary adjustments are authorized to facilitate this request and authorization is provided to re-appropriate 2015 funding for the Erie County Department of Law into the 2016 Budget in the amount of \$106,502:

**Fund 110 – 2016 Budget
Department of Law, Fund Center 16010**

Expense	Increase/Decrease
Account 500000 – Full Time Salaries	\$67,996
Account 502000 – Fringe Benefits	<u>\$38,506</u>
	\$106,502

**Fund 110 – 2015 Budget
Department of Social Services, Fund Center 120**

Expense	Increase/Decrease
Account 5525000 – Medicaid-MMIS	<u>(\$106,502)</u>
	\$106,502

; and be it further

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