

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LOUGHRAN AND LORIGO**

**Re: Second Resolution Terminating Appointment of Erie County Water Authority
Commissioner Jerome Schad**

WHEREAS, New York State's Authorities Budget Office (ABO), a Department of the State Comptroller, recently conducted a review of the Erie County Water Authority and its past practices; and

WHEREAS, the ABO came to the conclusion that Water Authority officers have failed in numerous duties as required by State Law and should no longer be allowed to serve the people of Erie County; and

WHEREAS, the ABO report came to its conclusion based on evidence that indicated the Commissioners failed to comply with the Freedom of Information Act, failed to follow the Open Meetings Law, failed in their appropriate fiduciary duties towards the Authority as required by Public Officers Law, and in general failed to act in an open and transparent manner that is expected of government entities; and

WHEREAS, the ABO director, Jeffrey Pearlman, stated that the Erie County Water Authority would be best served with a move to new leadership, which would include the resignation of all commissioners present during the time period reviewed in the ABO report; and

WHEREAS, the inability to properly hand out meeting materials demonstrates and inefficiency in operation of the Water Authority and therefore its Commissioners; and

WHEREAS, the failure to comply with New York State Open Meetings laws and Freedom of Information laws demonstrates a breach in duties; and

WHEREAS, the lack of attention paid to matters to be voted upon by all Water Authority Commissioners shows a clear failure to act appropriately on behalf of the people of Erie County and is a breach in their fiduciary duties; and

WHEREAS, this honorable body has already passed a resolution with bipartisan support asking for the resignation of Commissioner Schad and to date he has not complied with that request; and

WHEREAS, this honorable body agrees with the Authorities Budget Office and finds that the above listed failures are sufficient grounds for termination of an Authority Commissioner under Public Authorities Law §2827; and

WHEREAS, Commissioner Schad was invited to the Energy and Environment Committee by Legislator Brusio in a letter dated June 18, 2018 and was afforded an opportunity to be heard regarding the ABO report on the June 28, 2018 committee meeting; and

WHEREAS, this resolution is the second attempt to remove Commissioner Schad.

NOW, THEREFORE, BE IT

RESOLVED, this honorable body hereby removes Commissioner Schad from his position as Commissioner of the Erie County Water Authority for inefficiency, breach of fiduciary duty and neglect of duty; and, be it further

RESOLVED, that upon the passage of this resolution, and at the suggestion of the New York State ABO, Commissioner Schad shall have immediately vacated his position; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Water Authority and any other party deemed necessary and proper.

Fiscal Impact: None for resolution.