



EQLEG FEB05'19 AM 9:44

ERIE COUNTY LEGISLATURE

February 5, 2019

HON. JOSEPH C. LORIGO
10TH DISTRICT LEGISLATOR
MINORITY LEADER

Michael Siragusa, Esq.
Erie County Attorney's Office
95 Franklin Street – 16th Floor
Buffalo, New York 14202

Mr. Siragusa,

I have received your February 1, 2019 letter indicating your office will no longer provide legal advisement on County policies for the Legislature unless directed to do so by an approved resolution. Your position is troubling for a number of reasons; but perhaps most alarming is your direct refusal to perform your duties as Erie County Attorney. I am aware of two recent requests on which a member of my caucus has requested help from your office: one intended to offer temporary property tax relief to federal workers impacted by the longest government shutdown in history, and a second to *help* draft a policy for Erie County elected officials in their use of social media.

After sharing your refusal with the minority counsel for the Erie County Legislature, he has advised that Sec. 602 of the Erie County Charter is explicit in that it directs your office to “prepare resolutions, ordinances, legalizing acts and local laws to be presented for action by the County Legislature”. The Charter does not require that a request for assistance with one of those explicitly named items first be approved by a majority vote of the Erie County Legislature before you act. The Charter only requires “additional matters” to be requested by resolution. As you have argued numerous times in the past, it is essential to statutory construction that every word be given its full meaning.

As you are undoubtedly aware, neither of the policy items requested by my caucus are requests for legal work, but rather they are requests for help on wide-ranging legal issues that either impact the financial well-being of thousands of county residents or have First Amendment implications for every resident in Erie County. However, instead of working collaboratively on these important issues, you chose simply to refuse to help without so much as a phone call explaining why. I am disappointed.

In your refusal letter, you also claim potential conflicts as the reason you cannot fulfill the request. I am curious what conflicts could exist with the two policy items requested, especially considering one was a request to help draft a policy. As a result, please disclose whatever conflicts you claim to exist so I may have a better understanding as to your refusal to assist Legislators in drafting public policy.

I appreciate your attention in this matter and look forward to your response.

Sincerely,


Joseph C. Lorigo, Esq.
Erie County Legislator

LEGISLATIVE CHAMBERS • 92 FRANKLIN STREET • BUFFALO, N.Y. • 14202 • (716) 858-8922



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

February 1, 2019

VIA E-MAIL ONLY

Hon. Peter J. Savage, III, Chairman
Erie County Legislature
Old Erie County Hall
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Re: County Attorney Office – Requests from Legislators

Dear Chairman Savage:

Over the past few weeks, I have received correspondence from various individual Legislators asking that my office conduct legal work at their sole direction. In each instance, there was not a resolution adopted by the Erie County Legislature accompanying the letters directing that such work be performed, as is required by the Erie County Charter. See Erie County Charter at Sec. 602. If my office were required to perform legal work and tasks as requested by individual Legislators, it may create a number of conflicts and result in an untenable situation for my office. That is the exact reason why the Legislature employs Counsel to the Majority, as well as Counsel to the Minority. Absent an adopted resolution, these types of requests should be directed to either Counsel depending on which caucus a particular Legislator is a part of. This is nothing new and is how the County Attorney's Office has operated throughout past administrations. I have copied each of the Legislators on this correspondence to remind them of this process. Thank you.

Very truly yours,

Michael A. Siragusa
Erie County Attorney

cc: Members of the Legislature