



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

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DEPARTMENT OF LAW

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SECOND ASSISTANT COUNTY ATTORNEY

February 14, 2019

VIA E-MAIL ONLY

Hon. Joseph C. Lorigo, Minority Leader
Erie County Legislature
Old Erie County Hall
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Re: County Attorney Office – Requests from Legislators

Dear Legislator Lorigo:

Thank you for your letter dated February 5, 2019. I would like to take this opportunity to provide further clarification, and to update you, on the items raised in your letter. First, please let me assure you that my office will always assist you and your Legislature colleagues to obtain legal counsel for official matters, whether the counsel comes from my office, the Legislature Minority or Majority Counsel's offices, or from outside counsel. I appreciate why this issue is important to you and your fellow Legislators.

With regard to the creation of a social media policy, the preparation of policies is not one of the items specifically delineated in Section 602 of the County Charter and, thus, would require a resolution from the Legislature. Regardless, in an effort to avoid a debate on the issue at this juncture, we request that you utilize the Counsel to the Legislature Minority because my office has a conflict of interest. As you correctly referenced in your initial letter to me, the County of Erie has been served with a Notice of Claim - which is a precursor to a lawsuit - and is now preparing for a related 50-h deposition involving some of the same legal issues for which you have requested assistance. We are representing the interests of the County and defending the County Executive in that matter. As you are aware, the Notice of Claim refers to statements allegedly made during a press conference and online. Therefore, my office has a conflict of interest under the circumstances, necessitating your use of alternative counsel. We should not take any action that could prejudice the interests of the County and the County Executive in that matter.

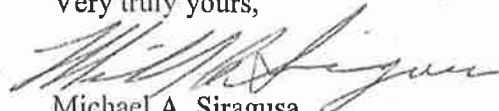
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Moving forward, I am optimistic that together we will be able to work through any issues or concerns that arise regarding the use of legal counsel. My office is committed to ensuring all individual Legislators are provided with the requisite representation needed. To avoid any confusion, Legislators should continue to make requests for legal work directly to either Counsel to the Majority or Minority, or to the County Attorney's Office, and we will notify the particular Legislator if a resolution is required for a particular request to the County Attorney's Office, which will have to be determined on a case-by-case basis.

Thank you.

Very truly yours,



Michael A. Siragusa

Erie County Attorney

cc: Members of the Legislature