



ONEIDA COUNTY BOARD OF LEGISLATORS

ONEIDA COUNTY OFFICE BUILDING ♦ 800 PARK AVENUE ♦ UTICA, N.Y. 13501-2977

Gerald J. Fiorini
Chairman
(315) 798-5900

Mikale Billard
Clerk
(315) 798-5404

George Joseph
Majority Leader

Frank D. Tallarino
Minority Leader

COMMUNICATIONS FOR DISTRIBUTION

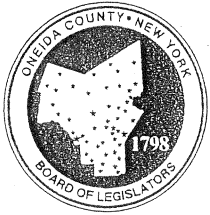
April 23, 2014

(Correspondence relating to upcoming legislation, appointments, petitions, etc)

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ONEIDA COUNTY BOARD OF LEGISLATORS

Gerald J. Fiorini, Chairman ♦ 800 Park Avenue ♦ Utica, New York 13501

Work Phone: 798-5900 ♦ Home Phone: 337-9045

FN 20 14 - 152

April 17, 2014

WAYS & MEANS

Board of Legislators
800 Park Ave.
Utica, NY 13501

Honorable Members:

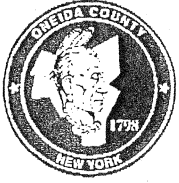
I am in receipt of a letter from Oneida County Attorney Peter Rayhill requesting that the Board of Legislators retain outside counsel in the matter of Frank Tallarino vs. the Oneida County Board of Legislators and the County of Oneida, NY. After conferring with the County Executive, I am recommending that the Board retain the services of Herbert J. Cully, ESQ. to represent the Board in this matter. Therefore, it is necessary for the Board to meet in special session. I have scheduled a Special Meeting for April 23rd at 6:45 P.M., with the Ways and Means Committee meeting at 6:00 P.M.

Thank your for your attention to this matter.

Sincerely,

Gerald J. Fiorini
Chairman

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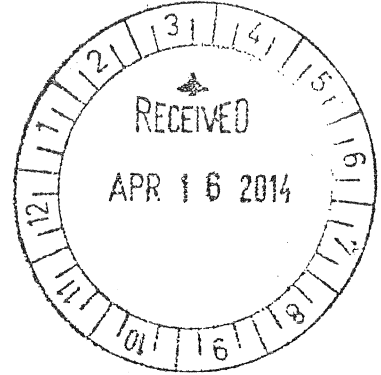
ONEIDA COUNTY DEPARTMENT OF LAW

Oneida County Office Building
800 Park Avenue ♦ Utica, New York 13501-2975
(315) 798-5910 ♦ Fax (315) 798-5603

ANTHONY J. PICENTE JR.
COUNTY EXECUTIVE

PETER M. RAYHILL
COUNTY ATTORNEY

April 16, 2014



Gerald J. Fiorini, Chairman
Oneida County Board of Legislators
800 Park Avenue
Utica, New York 13501

Re: Tallarino v. Oneida County Board of Legislators and Oneida County

Dear Chairman Fiorini:

With regard to the lawsuit brought against the Oneida County Legislature and Oneida County by Oneida County Legislator Frank D. Tallarino, Legislative District 12, I believe the members of the County Attorney's office have a conflict of interest and outside counsel needs to be retained to defend this suit.

Pursuant to both the County Charter and the County Administrative Code, the County Attorney represents the Board of Legislators. Specifically, the Administrative Code provides that the County Attorney shall represent the Board of Legislators in any action brought against the County Legislature, including suits by "any county officer or employee." Administrative Code of Oneida County, Section 1502 (a) (emphasis added).

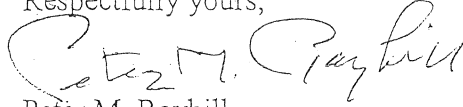
The suit brought by Mr. Tallarino presents a circumstance that I believe provides an exception to the provisions of Section 1502 (a). Mr. Tallarino has sued this action both individually, in his capacity as a County Legislator, and as Minority Leader of the Board of Legislators. The suit constitutes a legislator versus legislator legal action. As the attorney for the entire Board of Legislators, the County Attorney's office faces a conflict of interest with the prospect of representing some of the Board in an action brought by other Board members.

Section 202 (n) of the County Charter authorizes the County Legislature to employ legal advisers as deemed necessary.

Accordingly, I am hereby requesting that the Oneida County Legislature engage outside counsel to defend this lawsuit.

If you should desire to discuss any of the issues raised in this letter, or if you should require anything further of me, please advise.

Respectfully yours,

A handwritten signature in cursive script that reads "Peter M. Rayhill". The signature is written in dark ink and is positioned above the printed name.

Peter M. Rayhill

Cc: Anthony J. Picente, Jr.

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO.

*INTRODUCED BY: Messrs. Fiorini, Joseph
2ND BY:*

RE: RETENTION OF HERBERT J. CULLY, ESQ. AS COUNSEL FOR THE ONEIDA COUNTY BOARD OF LEGISLATORS IN THE MATTER OF FRANK TALLARINO VS. THE ONEIDA COUNTY BOARD OF LEGISLATORS AND THE COUNTY OF ONEIDA

WHEREAS, On April 9, 2014 Frank Tallarino, Oneida County Legislator, Legislative District 12, did commence a legal proceeding against the Oneida County Board of Legislators and the County of Oneida by service of a Summons and Complaint and Notice of Petition and Petition, and

WHEREAS, The Charter for the County of Oneida and the Administrative Code for the County of Oneida both provide that the County Attorney shall defend the Board of Legislators in all civil actions and proceedings, and

WHEREAS, The County Attorney has provided the Board of Legislators with an opinion that the proceeding commenced by Legislator Tallarino presents a conflict of interest for the County Attorney and therefore constitutes an exception to the provisions of the County Charter and Administrative Code pertaining to the defense of the Board of Legislators in civil actions and proceedings by the County Attorney, and

WHEREAS, In accordance with Section 202 of the Oneida County Charter, the Oneida County Board of Legislators is empowered to employ legal advisers as may be necessary, now, therefore, be it hereby

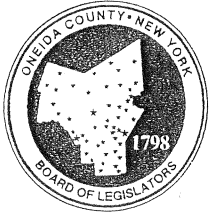
RESOLVED, That Herbert J. Cully, Esq., is retained as counsel to Oneida County in the matter of "Frank Tallarino Individually and as Minority Leader Of the Oneida County Board of Legislators, Plaintiff, vs. The Oneida County Board of Legislators and the County of Oneida, Defendants", to be compensated at a rate of Two Hundred and 00/100ths Dollars per hour (\$200.00/hr.) with a total amount fees and disbursements not to exceed Ten Thousand and 00/100ths Dollars (\$10,000.00) without further authorization of this Board.

APPROVED: Ways & Means Committee ()

DATED: April 23, 2014

Adopted by the following vote:

AYES NAYS ABSENT



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George Joseph
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Minority Leader

FN 20 14-153

READ & FILED

NOTICE OF SPECIAL MEETING

Oneida County Board of Legislators

NOTICE IS HEREBY GIVEN to the members of the Oneida County Board of Legislators that a Special Meeting will be held Wednesday, April 23rd, 2014 at 6:45 PM in the Board Chambers, County Office Building, 800 Park Avenue, 10th Floor, Utica, New York.

The purpose of such meeting is to consider Introductory No. 119, "A Resolution for the Retention of Herbert J. Cully, Esq. as Counsel for the Oneida County Board of Legislators in the Matter Of Frank Tallarino vs. the Oneida County Board of Legislators and the County Of Oneida."

NOTICE IS FURTHER GIVEN that the Ways and Means Committee will meet immediately preceding the Special Meeting at 6:00 PM on April 23rd, 2014 in Room 1040, County Office Building, 800 Park Avenue, 10th Floor, Utica, New York.

Mikale P. Billard

Clerk of the Board of Legislators

Dated: April 17th, 2014

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