

Department of LAW

Office of the County Attorney

2020 Executive Proposed Budget

Core Programs & Functions

- The Law Department, Office of the County Attorney, is charged by law to serve as legal counsel to the County Executive, the Board of Legislators, and to the County and all of its constituent departments, agencies and boards.
- Under the direction and supervision of the County Attorney, the Law Department is currently organized into four bureaus:
 - Litigation Bureau,
 - Appeals, Opinion and Legislation Bureau,
 - Contracts and Real Estate Bureau,
 - Family Court Bureau.
- Each bureau has the responsibility for handling specific types of legal matters on behalf of the County, including providing legal advice to County officials and employees in order to assist them on various projects the County is undertaking or contemplating undertaking; preparation and review of legal documents, drafting of legislation; researching and preparing legal opinions, and advocating on behalf of the County in Family court trial and appellate courts, including special administrative proceedings.
- The Office of Risk Management is responsible for managing a comprehensive risk management program for the County, which includes the formulation, implementation and monitoring of the policies as they relate to insurance, safety, claims and the settling of losses.
- The office continually determines and analyzes all casualty risks of loss to which the County's assets are exposed and evaluates such risks to determine whether they can be eliminated or minimized; investigates and manages claims of general, automobile, public officials and malpractice liability and administers the County's self insurance program.

Budget Summary

ITEM	2019	2020
Operating Positions	91	91
Trust Positions		
TOTAL POSITIONS	91	91
Personal Service	\$9,209,257	\$9,709,233
Equipment	\$42,254	\$68,000
Materials & Supplies	\$67,850	\$65,325
Contractual Expenses	\$2,693,100	\$3,086,225
Inter-Departmental Charges	\$778,236	\$888,418
TOTAL EXPENDITURES	\$12,791,820	\$13,817,701

Budget Summary

ITEM	2019	2020
Inter-Departmental Revenue	\$10,816,132	\$12,532,114
Departmental Revenue	\$3,534,384	\$3,976,234
State & Federal Aid	\$793	
TOTAL REVENUE	\$14,351,309	\$16,508,348
DEPARTMENT TAX LEVY	-\$1,559,489	-\$2,690,647

New Initiatives & Highlights

- Increased diversity in hiring.
- Enforcement of defense and indemnity right of county.
- Enforcement of rights under and with surety bonds.
- With respect to the 6-N fund, favorable results and settlements in litigated matters continue to result in considerable monetary advantage to the County. The latest actuarial analysis provided to the county dated July 11, 2018 shows that the unallocated reserve in the fund stands at \$13.988 million. This is a decrease in reserves of approximately \$7.8 million over the past year. The actuary concluded in a July 2018 report “It is clear the 6N Fund has significant equity (i.e., 14.0 million) to forego funding for at least two years.”
- More intensive evaluation of cases for final settlement.
- Drafting more legislation for Board of Legislature.
- Instituted and oversaw prosecution of a lawsuit against the state and federal government and the manufacturers of firefighting foam containing per-and polyflouralkyl substances (“PFAS”), a class of contaminants that pose an emerging threat to drinking water found at the County airport.
- Instituted and oversaw prosecution of lawsuit against the manufacturers and distributors of opioids seeking damages for treatment, education, prevention and other measures as a result of the opioid epidemic in the County.

New Initiatives & Highlights

- Implemented the State's Raise the Age ("RTA") legislation in the County where misdemeanors, most non-violent felonies and certain violent felony charges for 16 and 17 year olds will be handled in Family Court and therefore prosecuted by the County Attorney's office rather than the District Attorney's Office criminal court.
- Negotiated and drafted the Proteus lease for temporary housing of adolescent offenders who have been court-ordered to secure detention and cannot be detained in Woodfield Cottage with juvenile delinquents pursuant to Raise the Age legislation.
- Negotiated and drafted the New Rochelle Family Court Lease at Garden Street.
- Drafted and negotiated an Order on Consent with the New York State Department of Environmental Conservation relating to remediation of PFOA and PFOS at the County airport and oversaw implementation of same. Engaged in outreach and communication with environmental groups regarding the Order on Consent and PFAS contamination.
- Drafted legislation to protect the health, safety and security of the residents of Westchester County, including legislation related to: Fair Chance to Work, Ban on Polystyrene, Regulating the Sale of Second Hand Goods and Services, Protection of Displaced Workers, Dog Tethering, Animal Abuse, Sales Tax, Red Light Cameras, Safe Leave, Vaccination and Wage Theft.
- Representing the County's interests with regard to a Bankruptcy Chapter 11 reorganization case commenced by Standard Amusements to preserve the Playland Management Agreement entered into between Standard Amusements and the County.

New Initiatives & Highlights

- Representing the Solid Waste Commission in Bankruptcy Court, New York State Supreme Court and the Appellate Division, Second Department, in connection with proceeding relating to the emergency suspension of Waste Services' solid waste hauling license based upon the conduct of its principal.
- Prepared and negotiated a long term lease and easement agreement for the Mayfair project on former Westhelp Property to create affordable housing exclusively for low and moderate-income senior citizens aged 62 and older.
- Prepared documents in connection with affordable housing development on Garden Street in New Rochelle.
- Prepared and negotiated agreement with Motorola Solutions in connection with the project to replace three large mission-critical voice radio communication systems currently utilized for police, fire, EMS, and transit (Bee Line) operations in the County.
- Conducted negotiations with Verizon, AT&T and other carriers and municipalities regarding cell towers.
- Attended court conference and monitored City of Mount Vernon compliance with DEC Order to remediate debris on Memorial Field.
- Worked with outside counsel and monitored developments in gas and electric rate hearing cases with PSC and Con Ed. Developed positions including obtaining storm hardening measures.
- Commenced litigation to modify terms of deed and trust relating to restrictions on use of Merestead and availability of trust funds for needed infrastructure work on property.

New Initiatives & Highlights

- Worked with Human Rights commission on fair housing issues and hate incident issues as well as the implementation of public education and outreach for the Earned Sick Leave and Safe Leave Laws.
- Addressed failures to perform by Phoenix and Acme on bus contracts involving the transporting of special needs children and children in homeless shelters. Provided advice regarding termination of contracts, obtaining emergency replacement contracts and making claims against sureties.
- Worked with Risk Management bureau to obtain cyber insurance for County on favorable terms.
- Worked with Ethics Board on revisions to County Ethics Code.
- Negotiated contract with New York City Bar Association to obtain flat fee for CLE training courses.
- Negotiated and finalized contract with Air BnB for remittance of hotel occupancy tax and prepared revisions to County hotel occupancy tax law to include Air BnB and similar entities.
- Negotiated an agreement with the Teamsters settling a dispute over bargaining unit composition before the New York Public Employment Relations Board.
- Negotiated and drafted emergency contract for operation of the Central Heating Plant at the Valhalla Campus.