

# Department of LAW

## Office of the County Attorney

2022 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	2021	2022
Operating Positions	91	91
Trust Positions		
<b>TOTAL POSITIONS</b>	<b>91</b>	<b>91</b>
Personal Service	\$9,703,510	\$10,304,390
Equipment	\$38,135	\$53,100
Materials & Supplies	\$67,376	\$67,085
Contractual Expenses	\$3,336,497	\$3,000,921
Inter-Departmental Charges	\$932,495	\$1,073,417
<b>TOTAL EXPENDITURES</b>	<b>\$14,078,513</b>	<b>\$14,499,413</b>

# Budget Summary

ITEM	2021	2022
Inter-Departmental Revenue	\$11,963,336	\$11,807,397
Departmental Revenue	\$3,859,992	\$3,748,771
State & Federal Aid		
<b>TOTAL REVENUE</b>	<b>\$15,823,328</b>	<b>\$15,556,168</b>
<b>DEPARTMENT TAX LEVY</b>	<b>-\$1,744,815</b>	<b>-\$1,056,955</b>

# New Initiatives & Highlights

- Increased diversity in hiring.
- Represented the County's interests with regard to a Bankruptcy Chapter 11 reorganization case commenced by standard Amusements with regard to management of Playland Park. Engaged in extensive renegotiation of management agreement entered into by previous administration to achieve more favorable terms for the County. Drafted legislation and met with Board of Legislator Committees to obtain Board of Legislator approval of the new agreement. Agreement approved by the Board of Legislators on April 12, 2021.
- Achieved termination of Consent Decree and discharge of Monitor in Housing case, United States ex. Rel. Anti-Discrimination Center v County of Westchester 06 Civ 2860 ( DLC). Provided extensive information to Monitor and met with him and his team enabling him to conclude that the County substantially fulfilled its obligation under Consent Decree.
- Worked with Ethics Board to draft revisions to County Ethics Code and met with Board of Legislator Committees to explain legislation. The legislation was enacted by the Board of Legislators on March 22, 2021, passed pursuant to a mandatory referendum on November 2, 2021 and will become effective on January 1, 2022.
- Drafted legislation and prepared budgetary and contractual documents for the operation of a County Office of Assigned Counsel. Obtained approval from the New York State Office of Indigent Legal Services for new County Plan for provision of Assigned Counsel Program in the County. Legislation enacting the new County Plan by creating a County Office of Assigned Counsel passed by the Board of Legislators on September 20, 2021 and will be effective on March 24, 2022. Working with various County Departments and interested organizations to establish said Office.

# New Initiatives & Highlights

- Defending over twenty five (25) cases brought against the County under the New York State Child Victims Act and pursued successfully insurance coverage for defense and indemnity from insurance company issuing policies to the County from 1965 through 1986.
- Enforcement of defense and indemnity rights 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 savings to the County. The latest actuarial analysis provided to the county dated June 30, 2021 shows that the unallocated reserve in the fund stands at \$6.960 million. The actuary concluded in a July 2020 report “It is clear the 6N Fund has significant equity (i.e., 7.0 million) to forego funding for at least two years.”
- Drafted legislation to protect the health, safety and security of the residents of Westchester County including legislation related to: Requiring Placement of Electric Vehicle Charging Stations in Projects where County Funds are involved, adoption of new Records Retention Schedule for Counties, adoption of the Westchester County Police Reform and Reimaging Task Force Report, Earned Sick Leave for Domestic Workers, amending law regarding County vehicle procurement, Prohibiting Discriminatory Harassment, amending Co-op Disclosure Law to require disclosure of reason for rejection of potential buyer, increasing amount of Veteran’s Tax Exemptions, amending the Pesticide Notification Law to provide that certain signs and notices relating to application of pesticides must be printed in both English and Spanish, and other languages designated by the Department of Environmental Conservation, amending Solid Waste Hauler Licensing Law regarding classes of licenses, implementation of the County Complete Streets Policy, Requiring Bicycle Helmets for anyone age 14 and over, amending Plumbing Licensing Law to eliminate the 51% ownership requirement to use a Plumbing License on behalf of a business, Balloon Release Ban, and elimination of an expiration date for Tax Exemptions for Volunteer Firefighters and Volunteer Ambulance Service members.

# New Initiatives & Highlights

- Negotiated and drafted the 3rd amendment to 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 First Amendment to the New Rochelle Family Court Lease and numerous change orders issued during construction phase of the project. The Family Court officially opened on June 10, 021 with office space for the County's Department of Probation, Office for Women and Law Department.
- Oversaw implementation of Order on Consent with the New York State Department of Environmental Conservation relating to remediation of PFOA and PFOS at the County airport. Engaged in continuing outreach and communication with environmental groups regarding the Order on Consent and PFAS contamination.
- Permit with NYSOG for temporary emergency facility at County Center to address Covid-19 pandemic
- 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.
- Continuing to litigate issues related to modifying terms of deed and trust relating to restrictions on use of Merestead and availability of trust funds for needed infrastructure work on property.
- Counsel to the Department of Information Technology in connection with the county's voice radio communications replacement Project.
- Worked with Human Rights commission on fair housing issues and hate incident issues as well legislation to include discriminatory harassment as a violation of the Human Rights Law.

# New Initiatives & Highlights

- 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. After litigation was initiated regarding termination of the contract and mediation, the matter was settled with the approval of the Board of Legislators. As a result of the settlement, the County will recover from the surety the sum of \$340,000, which is approximately 77% of the amount of the surety bond.
- Negotiated contract with New York City Bar Association to obtain flat fee for CLE training courses.
- Gained dismissal of twenty-one (21) Federal and State court lawsuits filed against the County and obtained summary judgment in various cases against the County; obtained judgment as a matter of law in jury trial against the County and Westchester Community College.
- Provide legal counsel to the County Police and Training Task Force established by the County Executive pursuant to the Governor's Executive Order No. 203, which will provide recommendations on modifications and innovations to police policies and practices in furtherance of development of a County plan to reform County police procedures to improve relationships between the police and community and reduce racial disparities in policing. Drafted legislation for adoption of the County plan to reform police policies for submission to New York State
- Provide legal counsel to the County Executive, Board of Legislators, Department of Health and other County Departments, Boards and Commissions regarding issues related to the COVID-19 pandemic including preparation of Quarantine and Isolation orders and interpretation and compliance with related federal and state laws and Executive Orders issued by the Governor.

# New Initiatives & Highlights

- Negotiated and drafted a new thirty (30) year lease for the use and operation of the Glen Island Casino a/k/a the Glen Island Harbor Club. The term of the new lease will help ensure the ongoing development and maintenance for the Glen Island Casino for the benefit of Westchester residents.
- More intensive evaluation of cases for final settlement.
- Drafting more legislation for Board of Legislators.
- Overseeing 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.
- Oversaw prosecution of lawsuit and worked on partial settlement 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 at this time the County will receive over \$30 million over a ten year period.
- Continuing to implement the requirements of the State’s Raise the Age (“RTA”) legislation which mandates that misdemeanors, most non-violent felonies and certain violent felony charges for 16 and 17 year olds will be handled in Family Court rather than Criminal court. Working with the District Attorney’s Office to enable a more efficient transfer of cases from Criminal Court to the Family Court for prosecution by this Office.