

Department of Law
Office of the County Attorney

2008 Budget Presentation

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Mission Statement

The mission of the Department of Law, Office of the County Attorney, is to respond effectively to the needs of County officers, boards, departments and agencies, regarding legal counsel and representation. 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. The mission of the County Attorney is achieved in a variety of ways, including: the rendering of legal advice to County officials and employees in order to assist them on various projects the County is undertaking or contemplating undertaking; the preparation and review of legal documents; the drafting of legislation; the rendering of legal opinions, and the advocacy of the County's interests in trial and appellate courts, including special administrative proceedings. In providing legal services to the County, the Office of the County Attorney endeavors to reduce actual and potential future liabilities and financial exposure of the County and to maximize receipts of monetary sums to which the County may be entitled. The Office of the County Attorney seeks to assure that the County workplaces are free of discrimination and harassment and that County contracts and business opportunities are awarded fairly and openly, with women and minorities having equal access.

In addition the Office of the County Attorney seeks to protect the interests of children, disadvantaged adults, and society from domestic violence and abuse. Our Family Court Bureau acts to safeguard children from acts of abuse and neglect and to establish and collect child support from legally responsible parents. The Office of the County Attorney presents cases of juvenile delinquency to the Family Court in order to protect the public from dangerous juveniles and to rehabilitate juveniles in order to assist them in growing into productive members of society.



Tax Levy

Currently, the Law Department's approved budget for 2007 is \$11,667,779. The 2008 Law Department Budget proposes an expense budget of \$12,466,312, which is an increase of \$798,533 over the approved 2007 Budget. Our 2008 Budget proposes a negative tax levy of (-1,460,214).

Expenditures

Annual Regular (1010)

The 2008 Requested is \$577,194 greater than our 2007 Adopted Budget. This is due to salary increments.

Hourly (1200)

The 2008 Requested for our hourly account is \$28,256, this is the same amount allowed in our 2007 Adopted Budget.

Overtime (1400)

The 2008 Requested is a decrease of \$1,300 from our 2007 Adopted Budget due to work performed by support staff coverage on Election Day and the day after Thanksgiving.

Replacement Equipment (2300)

The 2008 Requested is an increase of \$3,753 from the 2007 Adopted Budget. We are continuing to purchase office equipment and furniture to replace outdated items that are over fifteen years old.

Printing & Office Supplies (3600)

The 2008 Requested is the same as our 2007 Adopted Budget.

Postage Cost (3700)

The 2008 Requested is an increase of \$691 as our 2007 Adopted Budget. This increase is to account for the two postal increases over the last 16 months to both first class and certified mail.

Equipment Service & Rental (4070)

The 2008 Requested is \$1,460 more than the 2007 Adopted Budget. This is due to an increase in our Lexis Nexis online service contract .

Membership Fees (4100)

The 2008 Requested is the same as our 2007 Adopted Budget.

Travel & Meals (4110)

The 2008 Requested is the same as the 2007 Adopted Budget.

OSHA Safety Program (4225)

The 2008 Requested is \$135,000 which is \$10,000 less than the 2007 Adopted Budget. Since most of the OSHA programs in the county are updates, they take less time and funds to complete.

Educational Training (4360)

The 2008 Requested is for \$25,500, which is the same as the 2007 Adopted Budget.

Contractual Services (4380)

The 2008 Requested is \$20,000 which is decrease of \$5,560 from are 2007 Adopted Budget. This decrease is due to a reduction in the need for contractual Temp agency workers.

Technical Services(4420)

The 2008 Requested is \$219,000, this is an increase of \$50,000 from the 2007 Adopted Budget. This expense is for the cost of the Labor Negotiator and Arbitrators. The breakdown of arbitration cases are as follows 90% of our arbitration fees are attributable to contract grievance and disciplinary arbitrations held with COBA and its members (the other ten percent are attributable to PBA and CSEA contract grievances). In the case of PBA and CSEA, the costs of the hearings (which averages \$1,500/day or a 25% fee increase) are evenly split between the respective union and the County. In the case of COBA, the fees are split up to the point were the union has expended \$20,000 on arbitration fees in any given year. Once that threshold is met, the County assumes 100% of the costs for the remainder of that year. In 2007, the union threshold was met in mid-February. The increase in the number of arbitration dates can be attributed to several factors: 1) the expiration of the COBA and PBA contracts; 2) the limit on the number of COBA disciplinary arbitrations has been raised by agreement from 3 to 5 per month. COBA has taken advantage of this increase and since October of 2006, an average of four arbitration dates per month have been scheduled; and 3) there has been a sharp rise in the number of contract grievances filed by COBA that have proceeded to arbitration. The total has resulted in an 81% increase in the number of Arbitration hearings from 2006.

Litigation (4923)

The 2008 Requested \$808,716 which is \$142,038 more than the 2007 Adopted Budget. The increase in this account is as a result of a number of negotiated renewals which require specialized counsel for certin issues related to such agreements. The matters requiring outside counsel are the RESCO contract and the Cooperation Agreement with the Westchester County Health Care Corporation. The major portion of these agreements however, will be handled by in-house staff.

Interdepartmental Charges

The 2008 Requested Budget is an increase of almost \$39,822 from the 2007 Adopted Budget. This is due largely to an increase in the amount that IT charges for services, additional Data Processing charges and charges for the Record Center storage.

Revenue

The Law Department's hourly rate charged to all County departments for law services for the current year is \$132. The calculated rate for 2008 budget is \$135. This hourly rate represents all billable hours produced by our Assistant, Senior and Associate County Attorneys, however it excludes all hours produced by the Deputy County Attorneys and County Attorney.

Interdepartmental Revenue (9508)

The 2007 allowed revenue figure for Interdepartmental revenue for the Law Department is \$10,685,428. This is an increase of approximately \$266,696 over 2007 estimates due to an increase in the attorney hourly rate and the expected increase in services based upon the new requirements of HAVA along with additional DSS Attorney Support.

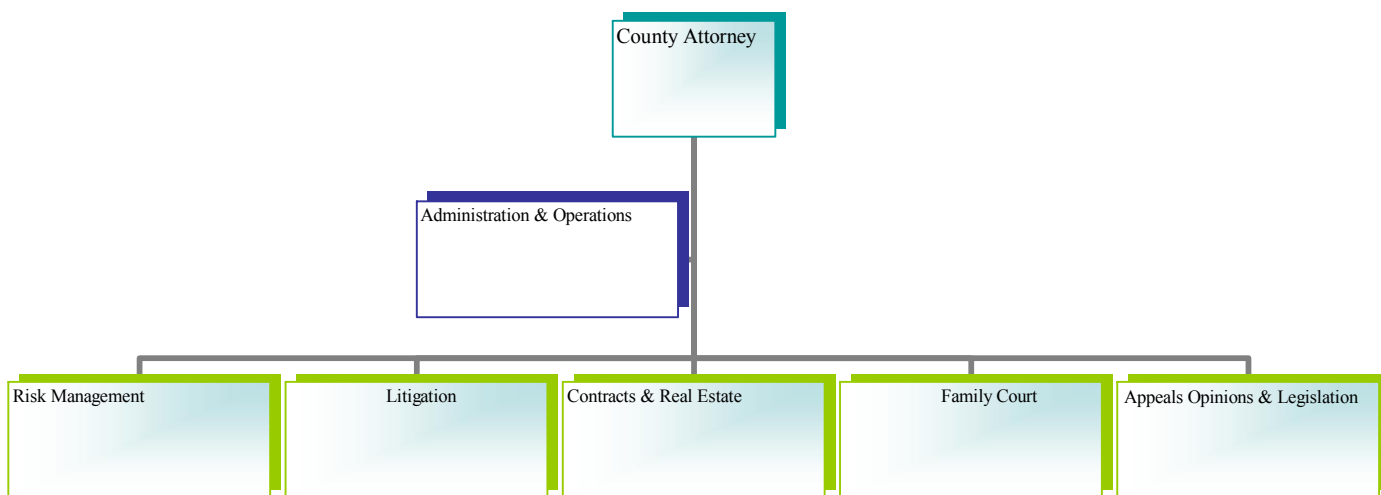
Departmental Revenue

The 2008 allowed revenue figure for Departmental revenue is \$3,241,098. This is an increase of \$ 184,143 from 2007 estimates which is a smaller increase than expected due to a decrease in billable hours for Risk Management(6N). Since one Litigation Attorney assigned exclusively to 6N cases has been on an extended leave for the past nine months and is expected to continue on leave for the first 6 months of 2008 we are projecting a smaller increase.

Introduction

In 1937, the Westchester County Board of Supervisors created the Department of Law, to be headed by a County Attorney, who would be appointed by the County Executive with the approval of the County Board. The new Department was mandated to “have charge of and conduct all of the civil law business of the County of Westchester and its departments.”

The present structure of the Law Department reflects the constant striving to fulfill this broad mandate in the most efficient and responsible manner possible. The Law Department is divided into four bureaus, each of which is focused on the different components of the “civil law business” of the County. In addition to the four Bureaus, the Department is responsible for the Office of Risk Management, which evaluates and reviews the County’s risk exposure. The organization of the Department is summarized in the following chart:

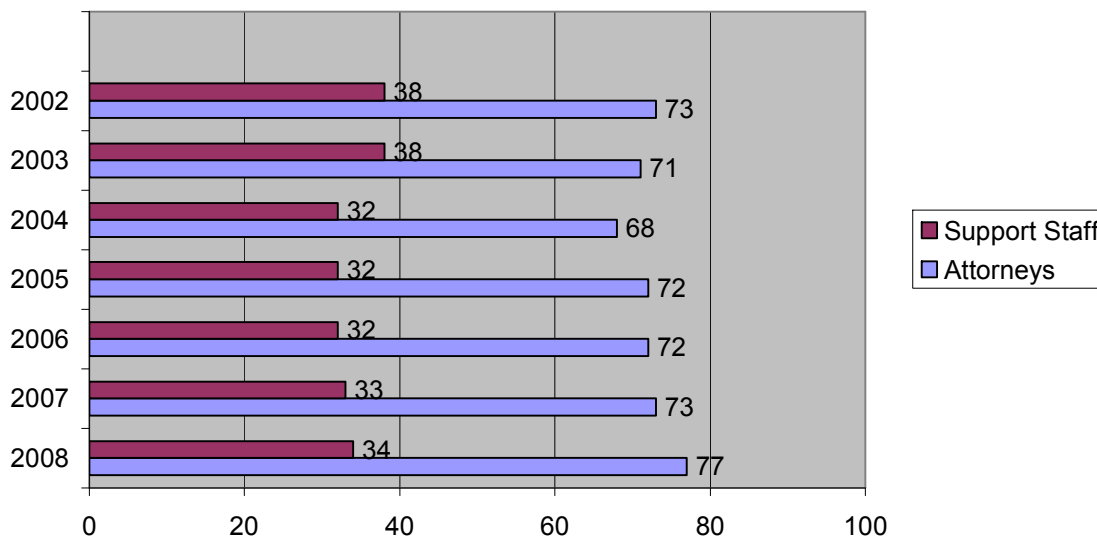


The Department of Law occupies approximately 23,000 square feet of space, utilizing the entire sixth floor and a portion of the second and seventh floors of the Michaelian Office Building. The Department is in proximity to the County Executive’s Office, the Board of Legislators, the Federal and County Court House Buildings, the District Attorney’s Office and many of the other County Departments that it serves.

The Law Department’s overall staffing level for 2008 has increased by five employees for a total of 111 personnel. This number represents the number of authorized positions. The composition of the County Attorney’s office is shown below.

The Law Department staff consists of the following positions (including Risk Management):

Law Department Staffing Levels



Title	Number of Positions
County Attorney	1
Chief Deputy County Attorney	1
Assistant Chief Deputy County Attorney	3
Director of Risk Management	1
Associate County Attorney	8
Senior Assistant County Attorney	22
Assistant County Attorney	42
Special Assistant to the County Attorney	1
Senior Risk Management Analyst	1
Management Assistant (Investigations)	1
Risk Management Analyst	1
Executive Secretary to the County Attorney	1
Administrative Assistant	1
Program Specialist (Risk Management)	1
Paralegal	4
Sr. Info Systems Clerk	1

Title	Number of Positions
Office Asst. Word Processing	1
Messenger	1
Staff Assistant (Risk Management)	1
Accounting Control Specialist	1
Legal Secretary II	5
Legal Secretary I	10
Docket and File Clerk	1
Receptionist	1
Total	111

Administration

County Attorney	1
Special Assistant to County Attorney	1
Executive Secretary to County Attorney	1
Administrative Assistant	1
Receptionist	1
Messenger	1
	6

Litigation Bureau

Asst Chief Deputy County Attorney	1
Associate County Attorney	2
Sr. Assistant County Attorney	8
Assistant county Attorney	10
Management Assistant(Investigations)	1
Paralegal	2
Legal Secretary II	1
Legal Secretary I	4
	29

Appeals, Opinions

Chief Deputy County Attorney	1
Associate County Attorney	3
Sr. Assistant County Attorney	1
Assistant County Attorney	1
Legal Secretary II	1
	7

Contracts Bureau

Asst Chief Deputy County Attorney	1
Associate County Attorney	1
Sr. Assistant County Attorney	4
Assistant County Attorney	8
Paralegal	1
Legal Secretary II	1
Legal Secretary I	2
	18

Family Court Bureau

Asst Chief Deputy County Attorney	1
Associate County Attorney	2
Sr. Assistant County Attorney	9
Assistant County Attorney	23
Docket and File Clerk	1
Paralegal	1
Legal Secretary II	2
Sr Information Systems Clerk	1
Legal Secretary I	4
Office Assistant Word Processing	1
	45

Risk Management

Director of Risk Management	1
Sr. Risk Management Analyst	1
Risk Management Analyst	1
Program Specialist	1
Staff Assistant(Risk Management)	1
Accounting Control Specialist	1
	6

The 2008 Law Department Budget shows an increase in our total position count by five to 111 total staff. Pursuant to Chapter 158 of the Laws of Westchester County, only the County Attorney and her staff are authorized to provide legal services to the County and its Departments. In light of the increases in the caseload and legal mandates required by law with regard to protection of children and families, combined with the prohibition against any Department hiring their own attorneys directly to handle legal matters, nine of these attorney positions, one Legal Secretary I position and one Office Assistant Word Processor, are being funded by the Westchester County Department of Social Services.

The Family Court Bureau has been participating in several new programs related to child abuse and neglect that have necessitated additional staff. These programs include the Multi-Disciplinary Team comprised of members from the Department of Social Services, Law Enforcement, Victims Advocates, The Child Advocacy Centers, the District Attorney's Office and the Law Department whose purpose is to conduct comprehensive investigations of severe child abuse or neglect and the Child Fatality Review Team which is also comprised of members from various County Departments including the District Attorney's Office to investigate the deaths of children in the County whose care and custody or custody and guardianship has been transferred to an authorized agency, or where a report has been made to the central register involving the death of a child. In addition, various factors have arisen in 2007, which require an increase in the number of staff in the Family Court Bureau. The reasons for the need for additional staff are as follows:

1. The number of calls to the New York State Central Registry reporting alleged child abuse and/or neglect requiring investigation by the Department of Social Services and possible Court intervention has increased approximately 25% in 2006 from the previous five years, and another 25% in 2007. The Department of Social Services has responded to this unprecedented increase in reports and investigations by hiring additional Child Protective Services staff to investigate these reports. With an increase in the number of Department of Social Services' caseworkers investigating allegations of abuse and neglect, the number of cases referred to the Law Department for Court action has increased as well. Accordingly, additional staff is necessary to handle the cases in Family Court.

2. The statistics kept by the Westchester County Family Court Clerk indicate that there has been a 71% increase in abuse and neglect cases filed and prosecuted by the Family Court Bureau attorneys in 2007 in the Family Court.

3. The rise in child abuse and neglect prosecutions has resulted in a growing number of foster care placements, which generate additional permanency hearings pursuant to New York State Law. Specifically, with the change in the permanency statutes beginning in January 2006, every child in foster care or under the supervision of the Department of Social Services is required to have a court hearing on that placement or supervision every six months. Prior to the change in New York State Law, a permanency hearing was held annually for each foster care or supervised case. The change in the law has essentially doubled the cases previously being heard in Court, and this fact, combined with the increase in the number of children in foster care, has added substantially to the number of cases being handled by the Family Court Bureau. In order to handle the huge caseload and to ensure that there are a sufficient number of attorneys to appear in Court regarding those cases, additional attorneys are necessary.

4. To address the increases in cases, the Westchester County Family Court has hired one new Court

Attorney Referee to hear certain matters, increased the number of days the two (2) Court Attorney Referees hear cases, hired an additional Child Support Magistrate to hear support matters and has assigned an additional Family Court Judge. These personnel changes have resulted in additional cases being heard in Court which all require the appearance of Family Court Bureau attorneys. With additional cases being scheduled before various Judges and Hearing Officers, additional attorneys are necessary to handle them.

5. Beginning in 2006 the hourly reimbursement rate for attorneys representing children and indigent parents in Family Court increased from \$25 per hour to \$75 per hour. As a result, these private attorneys are filing additional motions and demanding more discovery which can prolong cases that in the past would have been resolved quickly. Increased motion and discovery practice has added further responsibilities to the Family Court Bureau attorneys. The increase in reimbursement for the private attorneys has therefore increased the work load for attorneys to process these requests.

6. In 2007, the Department of Social Services and the Law Department have been participating in a program entitled the Yonkers Truancy Project. We therefore anticipate a large increase in educational neglect reports and Department of Social Services' referrals to our office in 2008. This increase will result in larger caseloads for the attorneys who are already handling record level caseloads and necessitate additional attorneys to handle them.

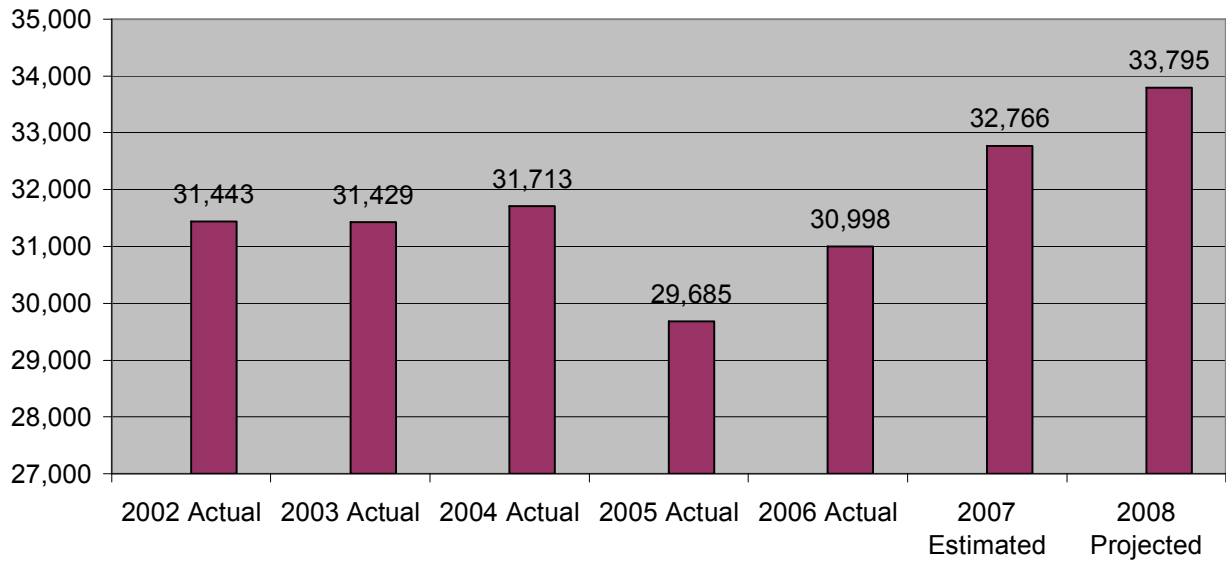
7. Recent changes in New York State Social Services and Family law have increased the workloads for Family Court Bureau attorneys. For example, the law now mandates team approaches, including law enforcement and Department of Social Services caseworkers with certain serious child abuse investigations. This change, in turn, necessitates greater oversight of ongoing cases by Family Court Bureau attorneys, as decisions made by caseworkers and attorneys in these matters will likely affect the investigation and prosecution of the criminal case. Another recent amendment to New York State law now grants the Department of Social Services the authority, with judicial approval, for access to children 24 hours/day. Since caseworkers have greater access to children who are alleged to be abused or neglected, higher numbers of matters are being referred to our office for legal action. While the experienced attorneys handle these more complex and time consuming cases as they require knowledge of both the criminal and Family Courts, other attorneys are needed to handle the numerous other matters referred to our office for legal action.

8. We have also been informed that further criminal gang activity in the southern part of the County is anticipated in 2008. Conversations with the Yonkers Police Department Youth Division and anecdotal information from New Rochelle and Mount Vernon indicate that the gang activity and recruitment is beginning with middle school students. With an increase in criminal activity among youth, the number of Juvenile Delinquency cases will rise as well, requiring further attorneys to prosecute these cases.

Revenues

The increase in case levels is evident in all bureaus and involves all legally mandated services, including but not limited to family court proceedings, litigation defense of the County, legislation, contract preparation and review, appeals and advisory opinions.

Number of Cases



Breakdown of Cases by Bureau

<i>Bureau</i>	<i>2005 Actual</i>	<i>2006 Actual</i>	<i>2007 Estimated</i>	<i>2008 Projected</i>
Litigation	3,100	3,200	3,500	3,700
Appeals	1,235	1,310	1,381	1,461
Contracts	10,150	10,288	10,600	10,759
Family	15,200	16,200	17,285	17,875
Grand Total	29,685	30,998	32,766	33,795

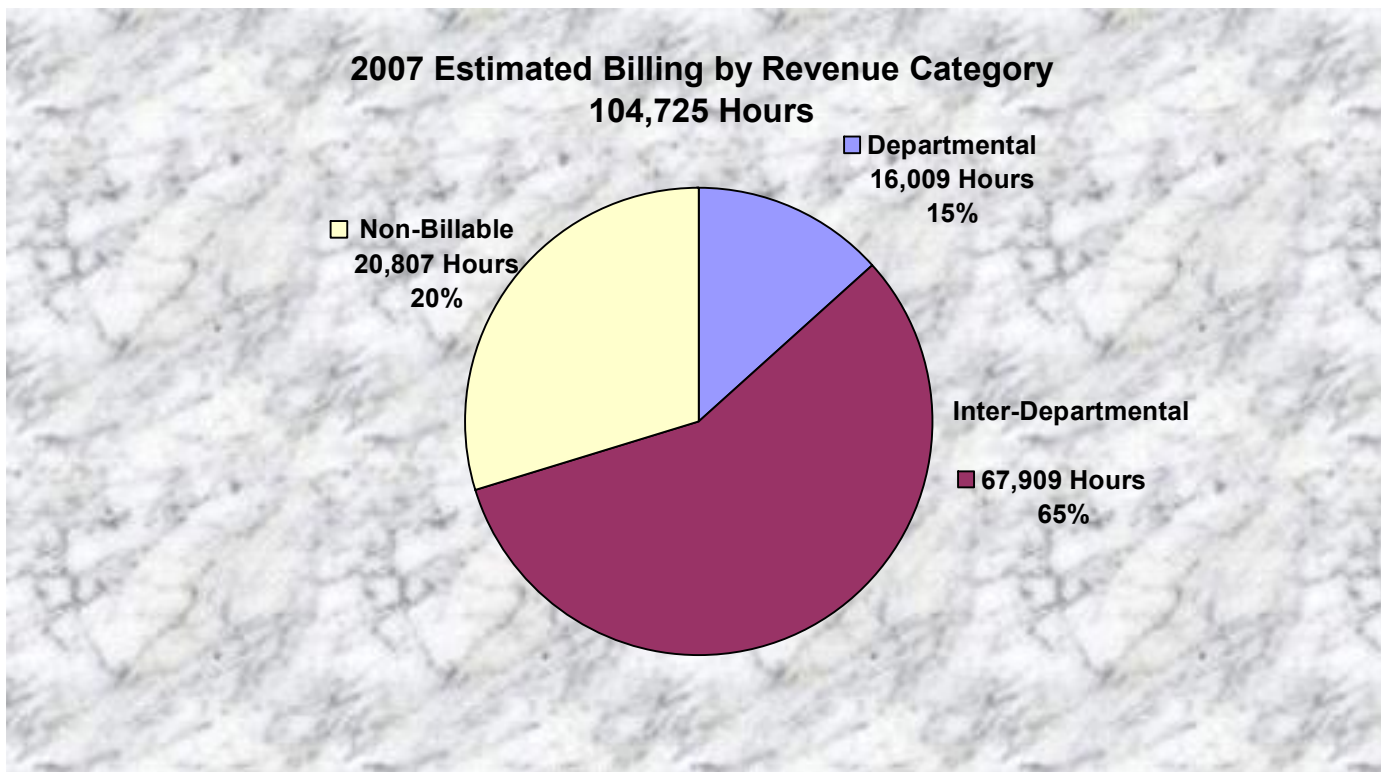
The Law Department generates two separate revenue streams:

- Departmental revenues are generated through charges billed to other funds including the 6-N Fund, Sewer, Water, and Refuse Disposal District Funds and the Westchester Community College Fund. This billing is generated as a result of legal services that are provided by the Law Department to these entities.

- Inter-Departmental revenues are received from County departments for which the Law Department performs essential legal services. Departments included in this revenue stream include the following: Public Works, Human Resources, Public Safety Services, Parks and Recreation, Planning, County Clerk, Department of Social Services, Community Mental Health, the Budget Department, Finance, the Department of Health, Information Technologies, Probation, Corrections, Transportation, etc.

These billing charges are based on the number of hours that each attorney spends providing legal advice, research or services for each of these Departments on various matters. Charges are based on hourly rates derived from the Law Department's operating costs and these rates are established each year in conjunction with the Budget Office when the County's Budget is prepared. The hourly rate is based on the Law Department's direct and indirect costs, while it excludes the usual and customary expenses incurred in representing our clients in such accounts as contractual services, technical services and litigation. The hourly rate for the current 2007 fiscal year is \$132.00 per hour.

Breakdown by Revenue Category

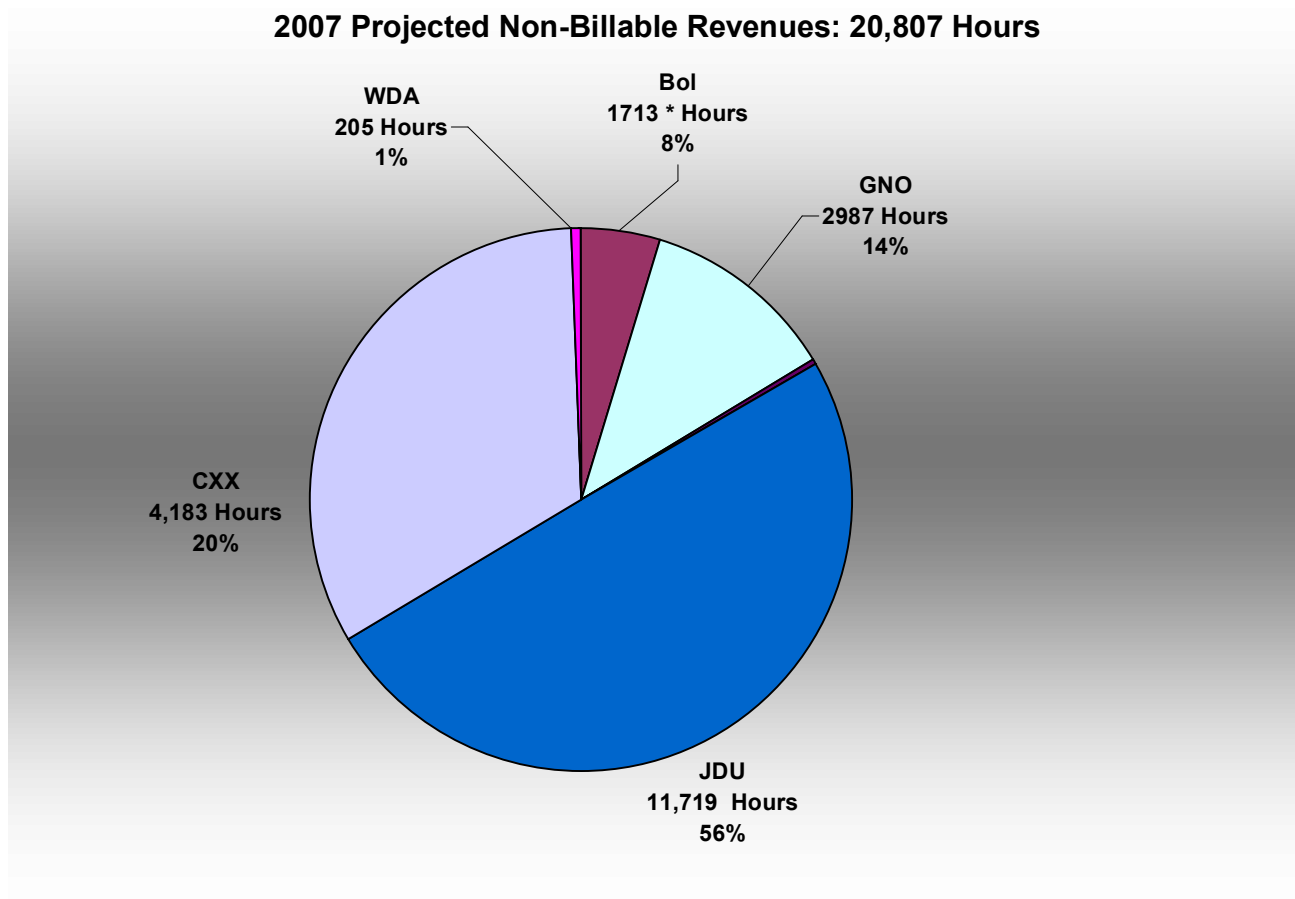


As indicated by the above chart approximately 20% of the Law Department service hours are not billable. This equates to approximately 20,807 hours of client services. This includes services provided to elected officials including the offices of the County Executive, the Board of Legislators and the District Attorney as well as statutorily mandated juvenile delinquency prosecutions. The County Attorney and the Deputies in charge of each bureau do not bill for direct client services or supervision, nor are their hours included in these figures. Notwithstanding the fact that the Deputy County Attorneys do not bill for their time, they are primarily responsible for providing legal advice directly to the Board of Legislators. Specifically, the Deputy County Attorney in charge of the Litigation Bureau appears before the Board’s Committee on Budget and Appropriations on a regular basis with regard to case settlements, requests to initiate litigation and other various legal matters that require Board of Legislator approval. The Deputy County Attorney in charge of the Contracts and Real Estate Bureau frequently appears before various Board Committees with respect to contractual, affordable housing and energy issues. The Chief Deputy County Attorney attends all of the regular and special Board of Legislator meetings and attends various Board Committee meetings with regard to proposed legislation as well as any other matter where the Board requests legal counsel. Non-billable services also include all attorney time billed directly to the Law Department.

The vast majority of the Law Department’s revenue that is billable comes from Inter-Departmental billing, which comprises 65% of the attorneys’ work time or approximately 67,909 hours for the 2007 fiscal year.

The second largest source of revenue for the Law Department is Departmental billing. Billing to Environmental Facilities, Public Utility Agency, Risk Management, Westchester Community College, and the Division of Solid Waste billing is considered Departmental billing. Each of these Departments contains their own separate funds and therefore their billing is maintained in a separate revenue stream than the Inter-Departmental billing. We estimate that the attorneys will spend approximately 16,009 hours on Departmental matters for the 2007 fiscal year.

The breakdown of non-billable services is detailed in the chart below:



These figures exclude the approx. 27 days on average that each attorney submits for leave (annual, personal, sick, and extended leave).

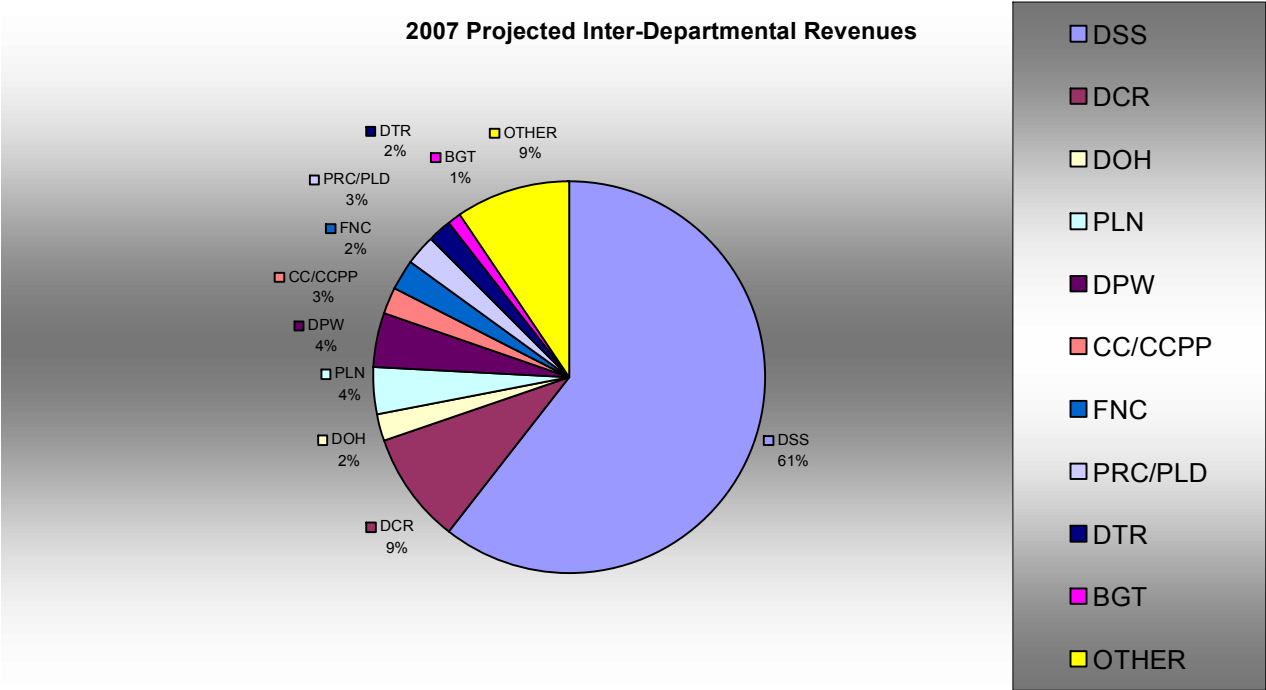
*Please be advised that this number represents only the work performed for the BOL by attorneys required to bill for their time. This number does not include the hours devoted to BOL work handled by the Asst Chief Deputy County Attorneys, the Chief Deputy County Attorney and the County Attorney who do not bill for their time. Since a good portion of the work for the BOL is carried out by the top management of the Law Department, including the estimated time of the Deputies and County Attorney in the calculation would increase the non-billable hours for the BOL from 8% to approximately 11% of the total number of non-billable revenue.

For the fiscal year that will end December 31, 2007 the Law Department is projecting to provide approximately 83,918 hours of billable client services, yielding over \$11,077,176 from both revenue streams: Inter- Departmental and Departmental. If the number of hours for non-billable services is included, then the number of hours for the year increases to approximately 104,725 hours. The projected average number of billable hours per attorney for 2007 is approximately 1,216. Implementation of the Help America Vote Act (HAVA) will also increase the hours billed by the Law Department, particularly with regard to contractual and compliances issues.

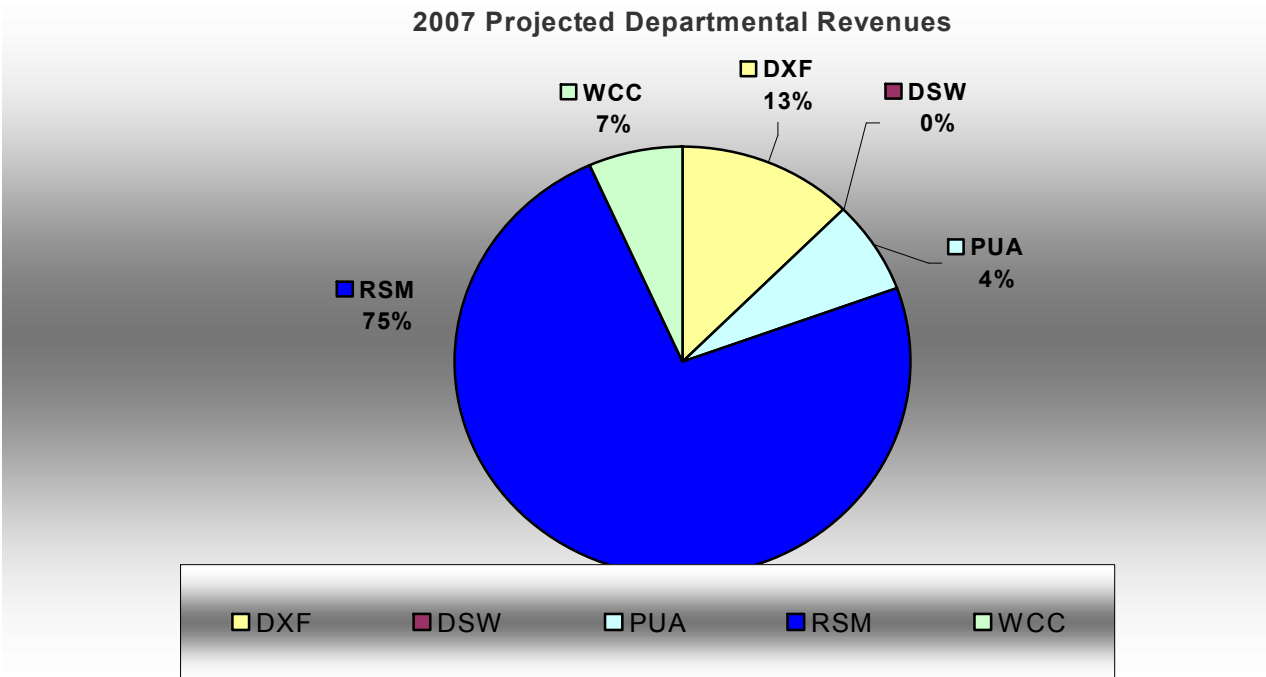
Moreover, there has been a change in the federal court system regarding electronic communications and its role in the discovery process which will also increase the hours billed by the Law Department. Discovery in litigation is not limited to paper documents as the courts have expanded discovery to include all electronic communication (e-mails, voice mail, instant and text messaging, text files, word processing documents, electronic spreadsheets and data stored on blackberries and PDAs). We have begun educating Departments involved in federal litigation of the necessity of litigation holds for all documents/emails/voicemails, etc, relating to pending litigation matters. In other words, once litigation is reasonably anticipated, all Departments involved in the litigation must ensure that key players cease deleting their e-mails and relevant documents. The Law Department is obligated to ensure that this happens and to continue to remind the Departments and key players during litigation that their obligation to retain these documents is on-going. In order to ensure that litigation holds are properly established and enforced, the Law Department must work closely with the IT Department to establish specific procedures to be used on an on-going basis when litigation hold notices are sent so that the County is in compliance with applicable law. IT has also been aiding us in compiling and searching the e-mails of "key players" in pending federal litigation so that we can properly respond to discovery demands that the County has received in these cases. These new federal rules require a great deal of work in federal litigation not only to collect the data requested, but to review the data to determine the specific information that needs to be turned over in the discovery process.

The County's obligations regarding e-discovery in federal and state litigation as well as the impact of electronically stored information on the County's records retention policies are developing issues for the County. In order to comply with e-discovery, a business plan needs to be developed by IT to address how the County will maintain its current documents in electronic form and ensure that these documents are properly maintained for purposes of litigation and records retention. IT has drafted a new Records Retention policy and has met with numerous vendors with respect to purchasing a new tool to enable to County to remain compliant with new electronic document retention and E-Discovery requirements in the Federal Courts. Once a policy is established, training of appropriate departmental personnel will be required to ensure such policy is implemented and adhered to accordingly.

The projected Inter-Departmental breakdown of revenue for 2007 is charted below.



The projected breakdown of the Departmental revenues for 2007 is shown below:



Risk Management’s departmental revenue is derived from reimbursement from the 6-N fund for expenses associated with the investigation and claims management of general, automobile, public officials and medical malpractice liability claims. Staff time is allocable to this function in addition to other indirect costs.

Risk Management Quantitative Indicators

	2006 Actual	2007 Estimated	2008 Projected
New Claims Investigated:			
Medical Malpractice	11	20	23
General Liability	174	195	205
Automobile Liability	16	20	25
Third Party Recoveries	\$319,123	\$300,000	\$300,000
Driver Abstracts Reviewed	3,500	3,700	3,700
Contracts Reviewed	3,950	4,000	4,000
Safety Related Meetings	145	160	165

Law Department Accomplishments 2007

Appeals, Opinions and Legislation Bureau

Name of Accomplishment: Conducting Freedom of Information Law (“FOIL”) Training for County Employees

When Initiated: 2004

Current Status: Several presentations conducted each year. Also available upon request of Commissioner/Department Head.

Description: This presentation, to be provided by members of the Law Department, will contain information, including the most recent updates to the Freedom of Information Law and general guidance to County officers and employees who are designated to be the FOIL officers of their particular County department, in accordance with the New York State Public Officers Law and the Laws of Westchester County. The objective of these seminars is to educate County employees on various FOIL issues and procedures.

Dollars Saved: The dollars that have been saved as a result of this ongoing initiative cannot be calculated by a specific dollar figure. Nevertheless, the absence of, or decrease in, the amount of legal opinions and/or lawsuits which may result from errors in responding to requests for release of information certainly results in a cost savings to the County.

Name of Accomplishment: Rutkunas v. Westchester County, et al.:

When Initiated: 2004

Current Status: Completed.

Description: This is an Article 78 action that was transferred to the Appellate Division pursuant to New York State Civil Practice Law and Rules (“CPLR”) § 7804(g). Rutkunas alleged that his termination was unwarranted despite the fact that he had committed misconduct or been incompetent in the performance of various duties at Playland, including (a) threatening the safety and welfare of his co-workers by throwing sharp metal nails (which were approximately 4 inches in length) and a coffee cup at them; (b) refusing to follow a supervisor’s directions to remain at work following the commission of these dangerous acts; (c) appearing to be under the influence of alcohol, as evidenced by the smell of alcohol on his person and his incoherent and slurred speech; (d) attempting to leave his work area on July 8, 2004, by motor vehicle while under the influence of alcohol; and (e) failing to complete assigned work and leaving early on June 9, 2004. In a unanimous decision dated March 27, 2007, the New York State Court of Appeals ruled in favor of Westchester County and Commissioner Stout’s determination to fire Anthony Rutkunas as a result of his conduct which jeopardized the health and safety of his coworkers and of the public patrons at Playland. In addition, the Court found that Anthony Rutkunas failed to show that the Hearing Officer’s recommendation was the result of any bias. No further action necessary.

Dollars Saved: Undetermined, however, this ruling by the New York State Court of Appeals will assist the County in defending future challenges to disciplinary matters before the Appellate Division, Second Department.

Name of Accomplishment: Leaf Blower Legislation

When Initiated: 2006

Current Status: Completed - Legislation enacted in 2007.

Description: The exhaust from certain leaf blowers contains unacceptable levels of both harmful

hydrocarbons (hereinafter “HC”), and oxides of nitrogen (hereinafter “NOx.”). Since Westchester County is part of an interstate Ozone Transportation Region which contains unacceptable levels of ozone (caused by the mixing of NOx, HC and other volatile organic compounds), carbon monoxide, and fine particulate matter, it was imperative that Westchester reduce these pollutants under the federal Clean Air Act. This legislation mandates that certain entities reduce the level of air pollution caused by leaf blowers by requiring the use of only those portable leaf blowers which meet EPA Phase 2, 2007 exhaust emission standards by January 1, 2009.

Name of Accomplishment: Lead Executive Order

When Initiated: 2007

Current Status: Completed

Description: Each and every County department, board, agency, and commission must ensure that no toys, jewelry or other similar items intended for use by children under the age of six containing lead are sold or distributed to children under the age of six. In addition, all vendors of toys, jewelry or other similar items intended for use by children under the age of six who sell such items to the County must assure the County that any such toys, jewelry or other similar items which may be sold or distributed to children under the age of six by the County are lead free. Finally, all promoters of events to be sponsored by the County must assure the particular County department, board, agency and/or commission that the groups who participate at such sponsored events will not sell or distribute any toys, jewelry or other similar items intended for use by children under the age of six unless such items are lead free.

Name of Accomplishment: Plumbing/Electrician Legislation

When Initiated: 2007

Current Status: Completed.

Description: Amendment to the County Plumbing Licensing Law to provide for reciprocal licenses and certifications. This Local Law also amended both the County Plumbing Licensing Law and the County Electrical Licensing Law to delete provisions providing for criminal penalties and add provisions indicating that persons violating the provisions of the Law would be subject to the imposition of civil penalties. Furthermore, the proposed legislation authorized each Board to refer matters that may rise to the level of a criminal offense to the District Attorney’s Office. Legislation enacted in 2007.

Name of Accomplishment: Taxi and Limousine Commission

When Initiated: 2006

Current Status: Pending

Description: State legislation which, if adopted by the New York State Legislature would prevent the owner of a vehicle from registering their vehicle if there are unpaid TLC fines.

Dollars Saved: If adopted, the County would have the ability to collect the currently unpaid fines/penalties.

Name of Accomplishment: Department of Social Services (“DSS”) – Tax Child Care Providers

When Initiated: 2007

Current Status: Completed

Description: The Internal Revenue Service (“IRS”) informed the County that a child care worker providing services to a public assistance recipient is considered to be a County employee for IRS purposes, thereby requiring an amendment to the County’s employment tax returns. This matter was

ultimately resolved with respect to this particular child care provider in favor of the County because of the statute of limitations. However, the IRS cautioned the County to evaluate our policies with respect to payment to these types of child care providers on a “going forward” basis. Accordingly, DSS determined to pay the day care subsidy directly to the public assistance recipients/parents who were informed of this new procedure by letter and which new procedure took effect in the beginning of October of 2007.

Dollars Generated/Saved: Potentially saved the County from future IRS penalties relating to such child care workers.

Name of Accomplishment: Brief and FOIL Appeals Banks

When Initiated: 2007

Current Status: Ongoing

Description: The Law Department created an electronic “Brief Bank” accessible by all attorneys which consists of briefs prepared by the attorneys in the Law Department. These documents contain various legal arguments utilized before various courts and will assist the attorneys in preparing briefs, memoranda of law and motions. This makes the Office more efficient as well as consistent in representation of the County. The Law Department also created an electronic “FOIL Appeals Bank” accessible by all attorneys in the Appeals Bureau containing the County’s responses to appeals of denials of requests for information made to various County departments.

Dollars Generated/Saved: Undetermined

Name of Accomplishment: Sales Tax Extender

When Initiated: 2006

Current Status: Chapter 367 of the Laws of 2007 approved by New York State Legislature on July 18, 2007.

Description: Drafted proposed state legislation to extend the sunset provision of the Westchester County Spending Limitation Act (Sales Tax Extender) until May 31, 2010.

Name of Accomplishment: Bernoudy v. County of Westchester

When Initiated: Notice of Appeal dated July 27, 2006

Current Status: Closed

Description: Plaintiff appealed from Order of the Supreme Court, Westchester County granting the County’s motion to dismiss his personal injury action due to his failure to submit to an examination under oath pursuant to Section 50-h of the New York State General Municipal Law prior to service of his complaint. The Appellate Division affirmed by Order entered on May 22, 2007.

Name of Accomplishment: Matter of Little v. Pozzi

When Initiated: Notice of Appeal dated March 22, 2006

Current Status: Closed

Description: Appellant alleged that the County Respondents abused their discretion in refusing him employment as a Correction Officer due to four misdemeanor convictions. The Appellate Division affirmed the Decision of the Supreme Court, Westchester County in favor of the County Respondents by Order entered January 9, 2007.

Name of Accomplishment: Matter of Mair-Headley v. County of Westchester

When Initiated: Article 78 Transfer Order dated December 20, 2005

Current Status: Closed

Description: Petitioner Correction Officer alleged that her dismissal pursuant to Section 73 of the Civil Service Law following an absence of in excess of one year from work due to an injury suffered in an off-duty automobile accident violated the Human Rights Law. Although the Petitioner had no use of her left arm she alleged that she was capable of performing light duties. By Order, entered on June 12, 2007, the Appellate Division confirmed the Respondents' determination finding that it was not a reasonable accommodation to create a permanent light duty post for the Petitioner.

Name of Accomplishment: Matter of Torrance v. Stout

When Initiated: Article 78 Transfer Order dated May 23, 2006

Current Status: Appeal to the New York State Court of Appeals pending

Description: Petitioner Parks Department employee challenged the substantial evidence supporting administrative finding that he had facilitated the unauthorized removal of County property – a barbecue grill. The Petitioner also alleged that the sanction subsequently imposed – a three-grade demotion – was shocking to one's sense of fairness in view of his many years of service. By Order, dated March 27, 2007, the Appellate Division agreed that the factual finding was supported by substantial evidence but annulled the penalty imposed as excessive and remitted the matter for the imposition of a lesser penalty. By Order, entered October 23, 2007, the Court of Appeals granted the County's motion for leave to appeal from the foregoing Order of the Appellate Division.

Name of Accomplishment: Matter of Considine v. Pirro

When Initiated: Article 78 Transfer Order dated December 15, 2005

Current Status: Closed

Description: Petitioner office assistant in the Office of the District Attorney alleged that her dismissal for incompetence pursuant to Section 75 of the Civil Service Law was the result of disability discrimination. Petitioner suffered from a repetitive stress type injury similar to carpal tunnel syndrome and was absent from her job on approximately eighty-five percent of all work days over a period of slightly less than eighteen months. Furthermore, petitioner failed to return to work after the expiration of an approved leave of absence. Her employment was terminated following an administrative hearing. By Order, entered March 20, 2007, the Appellate Division confirmed the County Respondents' determination.

Name of Accomplishment: Matter of Torhan v. Landi

When Initiated: Article 78 Transfer Order dated March 13, 2006

Current Status: Closed

Description: Department of Environmental Facilities worker challenged sixty-day suspension imposed following an administrative hearing held pursuant to Section 75 of the Civil Service Law. By Order, entered April 10, 2007, the Appellate Division confirmed the determination of the Respondents finding that substantial evidence supported the conclusion that the Petitioner had negligently performed several of his duties related to the operation of the Mamaroneck Waste Water Treatment Plant and further finding that the penalty imposed was not disproportionate to the offense.

Name of Accomplishment: Amendment to Local Human Rights Law in Relation to Fair Housing.

When Initiated: 2006

Current Status: A proposed local law is in draft form and has been forwarded for possible introduction by the Board of Legislators. The proposed local law was drafted in consultation with the U.S. Department of Housing and Urban Development. A determination was subsequently made by the

U.S. Department of Housing and Urban Development that the proposed local law is substantially equivalent to federal law.

Description: Amending the Westchester County Human Rights Law to be in compliance with Fair Housing Act. The purpose of such amendments is to obtain “substantial equivalency” certification from the U.S. Department of Housing and Urban Development (HUD). Substantial equivalency certification takes place when HUD determines that a State or local agency enforces a law that provides substantive rights, procedures, remedies and judicial review provisions that are substantially equivalent to the federal Fair Housing Act. Substantially equivalent agencies are eligible to participate in the Fair Housing Assistance Program (FHAP). FHAP permits HUD to use the services of substantially equivalent State and local agencies in the enforcement of fair housing laws, and to reimburse these agencies for their services.

Dollars Generated/Saved: Not yet determined.

Name of Accomplishment: Legislation Requiring the Licensing of Septage Collectors.

When Initiated: 2007

Current Status: Approved by the Board of Legislators with a vote of 16-0 on September 24, 2007. The County Executive approved the law on September 26, 2007. The legislation will become effective on Friday, January 25, 2008, which is 120 days after the law’s enactment.

Description: Drafted legislation which amends the Laws of Westchester County to require contractors engaged in the evacuation and transport of septage to obtain a license issued by Department of Health pursuant to the licensing instruction program in Article VIII of the Sanitary Code. The legislation will eliminate redundant County permitting functions and promote more efficient use of County resources, relieve undue burdens currently imposed upon contractors within this industry while at the same time ensure their proper training in the safe, sanitary and efficient delivery of septage evacuation and transportation services. Moreover, the proposed Local Law will ensure that the Department of Health receives comprehensive information regarding the total amount of septage removed throughout the County.

Dollars Generated/Saved: Not yet determined.

Name of Accomplishment: Legislation Permitting Certain Vehicles to Park Free of Charge in County-owned Commuter Parking Lots.

When Initiated: 2007

Current Status: Approved by the Board of Legislators with a vote of 16-0 on October 9, 2007. The County Executive approved the law on October 12, 2007. The legislation will become effective on Tuesday, January 1, 2008.

Description: Drafted a Local Law amending the Laws of Westchester County to permit electric vehicles, as well as hybrid-electric and other vehicles that achieve a United States City fuel economy rating of 35 mile per gallon or more to park free of charge at County-owned Commuter parking lots. The law will encourage the use of fuel efficient/environmentally friendly vehicles.

Name of Accomplishment: Legislation Requiring the Testing of Private Well Water Systems.

When Initiated: 2006

Current Status: Approved by the Board of Legislators with a vote of 16-0 on May 21, 2007. The County Executive approved the law on Wednesday, May 23, 2007. The legislation will become effective on Monday, November 19, 2007, which is 180 days after the law’s enactment.

Description: Drafted a Local Law to require the testing of private well water systems upon the sale of property and for leased properties within the County of Westchester, to identify areas of groundwater

contamination and to ensure that residents are not drinking contaminated water. This law is designed to enhance the quality of private well water and thereby protect the public's health.

Cost of Program: \$213,431

Name of Accomplishment: Legislation Requiring the Posting of Advisories on the Hazards of Portable/Inflatable Swimming Pools.

When Initiated: 2007

Current Status: Approved by the Board of Legislators with a vote of 15-0 on October 9, 2007. The County Executive approved the law on October 12, 2007. The legislation will become effective on Monday, November 12, 2007, which is 30 days after the law's enactment.

Description: Drafted a Local Law to require the posting of an advisory at retail establishments selling portable/inflatable pools to provide notice of the potential drowning hazards of such pools. The legislation will inform consumers of the dangers of portable/inflatable pools in furtherance of public safety.

Name of Accomplishment: Legislation Expanding the Remedies that May Be Imposed by the Human Rights Commission.

When Initiated: 2006

Current Status: Approved by the Board of Legislators with a vote of 16-0 on June 4, 2007. The County Executive approved the law on June 6, 2007. The legislation became effective immediately.

Description: Drafted a Local Law to expand the remedies that may be imposed by the Human Rights Commission upon a finding that a respondent has committed an unlawful discriminatory practice. Remedies now include the imposition of: punitive damages of up to \$10,000 in all types of discrimination cases; attorney's fee awards to the victim of discrimination; and civil penalties to be paid to the County.

Dollars Generated/Saved: Not yet determined.

Name of Accomplishment: Legislation Expanding the Scope of the Law Authorizing Payment of Rewards for Tips Leading to Arrests and Convictions.

When Initiated: 2006

Current Status: Approved by the Board of Legislators on May 7, 2007. The County Executive approved the law on May 9, 2007. The legislation became effective immediately.

Description: Drafted a Local Law to permit the offer of rewards of: up to \$25,000 for information leading to the arrest and conviction of felons; and up to \$1,000 for information leading to the apprehension of persons wanted on certain criminal warrants. The law also authorizes the Commissioner of Probation, in addition to the Sheriff/Commissioner of Public Safety, District Attorney, and Chair of the County Board to offer such rewards. Additionally, the County Board, may also, by resolution, direct such law enforcement entities to offer authorized rewards.

Dollars Generated/Saved: Not yet determined.

Name of Accomplishment: Legislation Establishing the Manner in which Booting Operators May Notify Police when Booting a Vehicle.

When Initiated: 2007

Current Status: Approved by the Board of Legislators on May 7, 2007. The County Executive approved the law on May 9, 2007. The legislation became effective immediately.

Description: Drafted a Local Law to permit operators of booting services to notify police that they have booted a vehicle parked without authorization on privately-owned property by means other than

personal appearance at a local police facility. Such operators now have the option of making such notifications by personal appearance, telephone, or, if provided by the local police agency, by fax or electronic mail.

Name of Accomplishment: Legislation Authorizing Seizure of Vehicles and Tools Used by Operators of Unlicensed Home Improvement Businesses

When Initiated: 2007

Current Status: Approved by the Board of Legislators on October 23, 2007. The County Executive approved the law on October, 2007. The legislation will become effective on, November, 2007, which is 30 days after the law's enactment.

Description: Drafted a Local Law to authorize police officers and authorized agents of the Department of Consumer Protection to seize and impound the vehicles and tools used by unlicensed home improvement contractors. Such property would be returned to its owner upon adjudication of the underlying violation, and, if found liable, payment of all applicable civil penalties, as well as the reasonable costs for removal and storage. The Local Law will also provide for the imposition of increased civil penalties for unlicensed home improvement contracting as follows: a civil penalty not to exceed \$1,000.00 for the first violation; not more than \$5,000.00 for the second violation within a five-year period; and not more than \$10,000.00 for the third and all subsequent violations within a ten-year period. The legislation will serve as a meaningful deterrent to unlicensed home improvement contracting.

Dollars Generated/Saved: Not yet determined.

Name of Accomplishment: Lemuel Davis v. County of Westchester

When Initiated: 2006

Current Status: Completed.

Description: In this CPLR article 78 proceeding, the petitioner-Appellant Lemuel Davis, a Department of Correction employee, sought reversal and annulment of a determination terminating disability benefits under Section 207-c of the New York State General Municipal Law by virtue of the approval of an application for disability retirement filed by the County on Mr. Davis' behalf. Mr. Davis appealed the Decision and Order of the Supreme Court, Albany County, which was favorable to the County. The issue on appeal was whether the County violated Mr. Davis' due process rights in failing to hold a hearing prior to terminating his Section 207-c benefits. The Third Department ruled that the County's action in terminating Mr. Davis' Section 207-c benefits upon receipt of the New York State Comptroller's preliminary determination granting Mr. Davis a disability retirement fully complied with the statute and did not constitute a denial of due process. Mr. Davis filed a Notice of Appeal seeking review of the Third Department's decision by the Court of Appeals. The Court of Appeals dismissed the appeal on the grounds that a substantial constitutional question was not directly involved in the appeal.

Name of Accomplishment: Misk-Falkoff v. County of Westchester

When Initiated: 2006

Current Status: Judgment in favor of the County by the Appellate Division, Second Department.

Description: Plaintiff-Appellant appealed an Order of the Supreme Court, Westchester County, dismissing her personal injury action against the County. Plaintiff-Appellant claimed injury when she drove her vehicle onto the Metro North Railroad tracks at night from what she claimed was a poorly lit and signage deficient road. Plaintiff-Appellant claimed to have been nearly struck by a passing train. This action had been dismissed based upon Plaintiff-Appellant's failure to appear for a hearing

demanded by the County pursuant to General Municipal Law § 50-h. The County also maintained that it did not own, operate, maintain, manage, control or repair the railroad crossing or any adjacent roadways alleged by the Plaintiff-Appellant to have been the proximate cause of her injuries; thus the County owed no duty to the Plaintiff-Appellant and could not be held liable as a matter of law. On October 2, 2007, the Appellate Division, Second Department ruled for the County in all respects and affirmed the dismissal of the action.

Name of Accomplishment: Legislation Prohibiting the Use of Lawn Fertilizer Containing Phosphorus

When Initiated: 2007

Current Status: Pending.

Description: This proposed legislation would amend the Laws of Westchester County to prohibit, except in limited circumstances, the application and sale of lawn fertilizer containing phosphorus within the County. Rainwater runoff from lawns treated with fertilizers containing phosphorus flows to storm drainage systems and into the lakes where the phosphorus accelerates algae growth and eutrophication in our water systems, impacting the normal functioning of water ecosystems, and decreasing the resource value of and the water clarity of rivers, lakes, and estuaries such that recreation, fishing, hunting, and aesthetic enjoyment are hindered. A public hearing concerning the proposed legislation was held on June 4, 2007. There were eight (8) speakers. Since the proposed legislation was voted out only for public hearing purposes, the legislation is now recommitted to the Committees on Legislation and Environment and Energy.

Name of Accomplishment: Legislation Requiring Bicyclists Fourteen Years of Age and Older to Wear Protective Helmets

When Initiated: 2007

Current Status: Pending.

Description: This proposed legislation would require that any person, fourteen years of age and older, wear a protective helmet while riding a bicycle. The proposed local law would further require that all retail establishments selling bicycles post a sign informing the public of the bicycle helmet requirement. A public hearing concerning the proposed legislation was held on October 9, 2007. There were seven (7) speakers. Since the proposed legislation was voted out only for public hearing purposes, the legislation is now recommitted to the Committee on Legislation.

Name of Accomplishment: Legislation Requiring Chain Food Service Establishments to Post Calorie Content Values of Menu Items

When Initiated: 2007

Current Status: Pending before the Committees on Legislation and Family, Health and Human Services.

Description: This proposed legislation would require chain food service establishments to post the calorie content values of menu items on menus and menu boards. A chain food service establishment would be defined as “a food service establishment or food service establishments operating in Westchester County that is or are part of a group of ten or more food service establishment locations nationally, doing business under the same trade name, offering predominantly the same types of meals, foods or menus, regardless of the type of ownership of the individual food service establishment locations.” The proposed legislation is intended to assist consumers in making healthy food choices.

Name of Accomplishment: Conducting Freedom of Information Law (“FOIL”) Training for

County Employees

When Initiated: 2004

Current Status: Several presentations conducted each year. Also available upon request of Commissioner/Department Head.

Description: This presentation, to be provided by members of the Law Department, will contain information, including the most recent updates to the Freedom of Information Law and general guidance to County officers and employees who are designated to be the FOIL officers of their particular County department, in accordance with the New York State Public Officers Law and the Laws of Westchester County. The objective of these seminars is to educate County employees on various FOIL issues and procedures.

Dollars Saved: The dollars that have been saved as a result of this ongoing initiative cannot be calculated by a specific dollar figure. Nevertheless, the absence of, or decrease in, the amount of legal opinions and/or lawsuits which may result from errors in responding to requests for release of information certainly results in a cost savings to the County.

Name of Accomplishment: Reimbursement for Medical and Dental Care of Inmates Legislation.

When Initiated: 2007

Current Status: Legislation submitted to the Board of Legislators for consideration

Description: Legislation submitted to the Board of Legislators that if passed would entitle Westchester County to reimbursement for costs paid

by it on behalf of inmates at the Westchester County Correctional Center for diagnoses, tests, studies or analyses for the diagnosis of a disease or disability, and care and treatment by a hospital, as defined in Article 28 of the New York State Public Health Law, by a physician or by a dentist from any third party coverage or indemnification carried by an inmate. On October 9, 2007, the legislation was referred to the Budget and Appropriations Committee and the Committee on Public Safety and Security.

Dollars Saved: If enacted, the County would receive revenue from third party health insurance coverage payments for inmate health care.

Name of Accomplishment: Matter of Hassan W.

When Initiated: 2006

Current Status: On July 31, 2007, Appellate Division affirmed the Westchester County Family Court decision in the matter.

Description: Respondent-Appellant appealed a finding by the Family Court in a Termination of Parental Rights case, that he is a “notice father” rather than a “consent father” therefore not requiring his consent to the adoption of his biological son, the subject child, Hassan W. A Best Interest Hearing was held in Family Court where the “notice father” participated, but the Family Court concluded that it was not in the Best Interest of the child to live with his father. A favorable Decision & Order was decided on July 31, 2007 affirming the order of fact finding and disposition of the Family Court.

Name of Accomplishment: Westchester County Department of Social Services v. Paul Stone

When Initiated: 2007

Current Status: Appellate Division dismissed the appeal in October of 2007.

Description: Eighteen year old Lafvorne B. is mentally retarded and has various psychiatric disorders. He is currently residing in a residential facility and would like to be adopted by his cousin, Shatonia Williams. The Department of Social Services determined, and the Family Court agreed, that

Lafvorne's cousin was not a suitable candidate to adopt Lafvorne. Appellant, however, believed that such a ruling was inconsistent with the fact that the Department encouraged Lafvorne to maintain visitation with this cousin. Because of his age, Lafvorne has the right to voluntarily sign himself out of his current residential treatment program, however, he does not plan to sign himself out of the foster care system, especially since he has no other place to reside. The instant appeal to the Appellate Division by the child's attorney, challenged the Family Court's finding that the Department of Social Services used "reasonable efforts" in effectuating a permanency plan for Lafvorne and alleged that the department did not comply with applicable laws in the child's case. On October 2, 2007, the Appellate Division, Second Department affirmed the determination of the Family Court and its finding that the Department of Social Services had made reasonable efforts to finalize a permanency plan for Lafvorne.

Name of Accomplishment: Solangi v. Pozzi

When Initiated: 2006

Current Status: Completed

Description: Petitioner Joy Solangi challenged Commissioner Pozzi's determination that sustained the specification of her misconduct and/or incompetence relating to her criminal conviction for presenting a forged prescription for Vicodin at a pharmacy. Petitioner claimed that said determination was not supported by substantial evidence and that the sanction imposed, i.e., her termination of employment as a probation officer, was shocking to one's sense of fairness. Ms. Solangi also argued various aspects relating to the disciplinary hearing in an effort to invalidate the entire disciplinary process afforded to her. On September 18, 2007, the Appellate Division, Second Department ruled in favor of the County and upheld Commissioner Pozzi's determination to terminate Ms. Solangi as a result of her criminal behavior outside of the Department of Probation.

Law Department Accomplishments 2007

Contracts Bureau

Name of Accomplishment: Miscellaneous Westchester County Health Care Corporation Matters

When Initiated: 1998

Current Status: Ongoing

Description: Provide legal advice and counsel, research and drafting services, including drafting of necessary legislation, Board of Acquisition and Contract (“A&C”) resolutions and agreements to various County Departments in connection with:

- Legal issues related to the fiscal issues of WCHCC
- County’s Credit Support for Working Capital Program
- Monitoring of the day to day operations of contracts that WCHCC has with outside vendors for
 - 1) snow removal and ice control;
 - 2) roads and grounds maintenance;
 - 3) solid waste removal; and
 - 4) cardboard recycling and provision of certain roads and grounds services to WCHCC.
- Inmate Health Care for the Department of Correction
- Right of First Refusal Issues under the Restated Lease Terms
- Provide legal services for negotiations of new agreement to take the place of the Transition Agreement.
- WCC – Clinical Supervision program
- Laundry services and employee physical examinations for the College
- Ryan White Agreement
- Parking Licenses
- Mental Health Services
- Medical Consulting Occupational Health Center
- Forensic and microbiological services from inmates
- Toxicology, Autopsy and Public Health services
- Inoculations for employees of the Department of Public Safety
- Corrections – Fitness for Duty
- Bonding to fund the cost of acquisition of equipment for WCHCC's facilities and to fund the cost of equipment for information technology upgrades.

Name of Accomplishment: Refuse Disposal District No. 1 – Solid Waste Disposal Agreement and Service Agreement

When Initiated: 2006

Current Status: Ongoing

Description: Providing legal advice, legal research and drafting services for the County, acting by and through the District, to send out Requests for Proposals to select a vendor or vendors for solid waste disposal services that will be necessary when the Solid Waste Disposal Agreement with Wheelabrator (Resco) expires on October 21, 2009. Also attended hearings of Solid Waste subcommittee of the Board of Legislators relating to this process and have provided legal services to the Board with relation to hiring expert outside counsel to assist it.

Name of Accomplishment: Hawthorne and Valhalla Fire District Agreements

When Initiated: 2007

Current Status: Ongoing

Description: Providing legal advice, legal research, drafting legislation, resolution and agreements for the County to enter into Intermunicipal Agreements with Hawthorne and Valhalla Fire Districts whereby the Districts will provide specialized training and activities and fire suppression services.

Name of Accomplishment: Trailer and Equipment Licenses

When Initiated: 2007

Current Status: Ongoing

Description: Providing legal advice, legal research, drafting legislation, resolution and agreements for the County to enter into Agreements with various municipalities and/or volunteer fire and ambulance agencies to use and operate the trailers to assist the County's emergency response efforts by providing deployment and support services during a disaster.

Name of Accomplishment: Specialized Equipment IMAs

When Initiated: 2006

Current Status: Ongoing

Description: Providing legal advice, legal research, drafting legislation, resolution and agreements for the County to enter into Intermunicipal Agreements with various municipalities through which the County will distribute specialized equipment, e.g.: personal protective, detection, decontamination, communications hardware and supplies, to enable the municipalities to better respond to acts of terrorism.

Name of Accomplishment: Emergency Shelter Agreements

When Initiated: 2007

Current Status: Ongoing

Description: Providing legal advice, legal research, drafting legislation, resolution and agreements for the County to enter into Agreements with various municipalities and/or private educational institutions whereby the municipality or institution will provide a facility to be used as a shelter during a disaster or emergency situation that requires people to leave their homes and the County will provide shelter equipment and supplies to be used at the shelter.

Name of Accomplishment: Stormwater Education and Outreach

When Initiated: 2007

Current Status: Ongoing

Description: Provided legal advice and counsel, research and drafting services, including drafting of legislation and agreements to accept an Environmental Protection Fund grant from NYS in connection with Stormwater Education and Outreach program implementation and enter into Intermunicipal Agreements to enable municipalities to participate in the development and implementation of the program.

Name of Accomplishment: Hilltop Hanover Farm

When Initiated: 2007

Current Status: Ongoing

Description:

- Provided legal advice and counsel, research and drafting services, including drafting of necessary A&C resolutions and agreements to permit various organizations to utilize space at the farm in order to establish public environmental education programs. Provided advice on issues related to Greenmarket license. Also provided legal advice and drafting for the revision of all boilerplate license agreements and special events permit which Hilltop will utilize in the future.
- Provided legal advise and counsel, research and drafting services, including drafting legislation to transfer approximately 125 acres out of 180 acres of the Hilltop Hanover Farm to the care and custody of the Department of Parks, Recreation and Conservation and formally dedicate it as parkland. This 125-acre parcel includes the bulk of the wooded area of the property on the eastern side of Hanover Street and will be used for recreational and environmental education. A system of trails has already been blazed and mapped and is ready for public use as part of the countywide trailway system managed by the Department of Parks.

Name of Accomplishment: Emergency Radio System

When Initiated: 2003

Current Status: Ongoing

Description: Provided legal advice and counsel, research and drafting services, including drafting of necessary legislation, A&C resolutions and agreements to facilitate the creation of a county-wide emergency radio system. License agreements for the installation of antennas were negotiated for the non-County sites. Legislation was drafted and approved authorizing the distribution of appropriate radio equipment to municipalities and other first responders throughout the County. Ongoing tasks include drafting of additional agreements, including agreements for the distribution of the radio equipment to municipalities and an ongoing maintenance agreement.

Name of Accomplishment: 143 Grand Street

When Initiated: 2005

Current Status: Ongoing

Description: Provided legal advice and counsel, research and drafting services, including drafting of necessary legislation, A&C resolutions and agreements to facilitate the implementation of senior affordable housing in the City of White Plains. Legislation was drafted and approved authorizing the long term lease of the property to a corporation formed by HANAC and the Bluestone Companies. Negotiated final lease document which was executed in the summer of 2007. Ongoing tasks include interaction with HANAC regarding environmental testing and removal of any title issues.

Name of Accomplishment: Solid Waste Commission Matters

When Initiated: 2004

Current Status: Ongoing

Description: Provide continuing legal counsel to the Commission with respect to the implementation of the Westchester Solid Waste Licensing Law regarding implementation of the law, and its application to local trades and businesses. Providing additional on-going assistance to the Commission, including legal research and opinions, attendance at all Commission meetings, as well as drafting services, such as assisting with the preparation of proposed legislation and preparation of contracts.

Name of Accomplishment: Quarry Heights

When Initiated: 1990s

Current Status: Ongoing

Description: Providing legal assistance in connection with the County's initiative, with the cooperation of the Town of North Castle and the Town/Village of Harrison, to undertake the construction of sewer lines and appurtenances necessary to provide public sanitary sewer service to the Quarry Heights area located in the Town of North Castle, including all the necessary legislation and IMAs with North Castle and Harrison.

Name of Accomplishment: Legacy Projects

When Initiated: 2002

Current Status: Ongoing

Description: Providing legal advice in connection with the Legacy Program whereby local municipalities operate and maintain new ball fields to be constructed by the County: Flint Park in Larchmont;; ball fields and a skate park in Yorktown; most recently Flandreau Parcel/Colonial Greenway Trailway. Responsible for drafting the necessary Intermunicipal Agreements and authorizing legislation to implement these projects.

Name of Accomplishment: Affordable Housing

When Initiated: 1990s

Current Status: Ongoing

Description: Providing legal advice, drafting negotiation services and legislation in connection with the following projects:

- Ossining Affordable condos to be located at 135-139 Main Street, in the City of Ossining;
- Clinton Place Affordable Housing located at 41-47 Clinton Place in the City of New Rochelle;
- Housing at 8 Broad Avenue, Village of Ossining;
- Housing at 126 Valley Street, Village of Sleepy Hollow;
- 35 Snowden Avenue, Village of Ossining; and
- 19 Narragansett Avenue, Village of Ossining
- Housing at 422 Warburton Avenue in the Village of Hastings-on-Hudson [HIF agreement still pending – NHLA and HOME portions finalized];
- James Varick Homes located at 445 South 10th Avenue in the City of Mount Vernon [NHLA portion finalized – HIF still pending];;
- Fox Island Affordable Housing Project in the Village of Port Chester;
- Assistance with NYS Affordable Housing Corp. grant applications;
- Mulford Gardens (Site A) and Croton Heights (Site B) affordable housing developments located in the City of Yonkers [Croton Heights finalized in 2007, Mulford Gardens pending for 2008];
- Affordable housing to be located at 131 South Broadway in the City of White Plains [pending submission to BOL]; and
- Assisting the Planning Department in addressing certain affordable housing issues in the City of Mt. Vernon, including at Levister Towers.
- Yeshiva Farms Settlement, Croton Lake Road, Mount Kisco.
- Pines at Narragansett, Village of Ossining
- Fox Island Affordable Housing Project, Village of Port Chester;
- 29 Westchester Avenue, Town of Pound Ridge
- 15-25 Mount Airy Road in the Village of Croton-on-Hudson

Fellowship Hall, Town of Bedford

Name of Accomplishment: Austin Avenue Yonkers

When Initiated:

Current Status: Ongoing

Description: Provide legal counsel in connection with the attempted resolution of issues raised with respect to the Supplemental PILOT and back rent related to the Austin Avenue Site.

Name of Accomplishment: Transfer of Property to the NYS Thruway Authority Austin Avenue Yonkers

When Initiated: 2007 (1985)

Current Status: Ongoing

Description: Prepared legislation to authorize sale to the NYS Thruway Authority of a parcel of County owned property along the Thruway, which was passed by the BOL on October 22, 2007.

Name of Accomplishment: County Water District Agreement with NYCDEP

When Initiated: 2007

Current Status: Ongoing

Description: Assist the Department of Environmental Facilities in negotiating with the New York City Department of Environmental Protection ("DEP") to ensure a supply of post UV treated water to County Water Districts.

Name of Accomplishment: Peekskill: Corporate Drive Property Conveyance

When Initiated: 2007

Current Status: Ongoing

Description: Provided legal assistance in connection with authorizing the sale of the 9 Corporate Drive parcel to the City of Peekskill. The site, formerly a landfill, will be remediated by Peekskill and subsequently developed.

Name of Accomplishment: Watershed / East of Hudson

When Initiated: 2007

Current Status: Ongoing

Description: Assist the Department of Environmental Facilities by conducting a review of potential County liabilities in connection with potential disbursement of East of Hudson funds for proposed municipal water quality projects. Developed a draft IMA to reduce County exposure to risk.

Name of Accomplishment: Shuttle Buses.

When Initiated: 2006

Current Status: Ongoing

Description: Providing legal advice, drafting legislation, resolution and agreements for the County to enter into intermunicipal agreements for the giving of up to 30 Shuttle and Para Transit vans by the municipalities in connection with, among other things, their emergency response plans.

Name of Accomplishment: County Bonds

When Initiated: N/A

Current Status: Ongoing

Description: Providing legal advice and drafting services to the Budget Department in connection with the preparation of an estimated one hundred forty four (144) plus Bond Acts by year end, including associated legislation, to finance various County capital projects to, among other things:

- Improve security measures throughout County facilities;
- Enhance County parks, including the rehabilitation of golf courses, acquisition of parkland via the Legacy Program, addition of and improvement to ball fields; development of the South County Trailway; and development of pathway through the Bronx River Reservation;
- Continued Development of Camp Morty;
- Repair and upgrade at County Center, including emergency replacement of HVAC;
- Repair County roadways and enhance infrastructure;
- Repair and upgrade Corrections facilities;
- Repair and upgrade sewer facilities for the various County sewer districts;
- Repair and upgrade Department of Laboratories and Research facilities;
- Acquisition of rides at Playland Park;
- Repair and upgrades of equipment and structures at Playland Park;
- Improve mass transit;
- Repair and restore Department of Emergency Services training facilities;
- Acquisition of a Commercial Strip Mall/Burn Building for the Department of Emergency Services;
- Finance senior housing through the County's New Homes Land Acquisition Program and Housing Implementation Fund;
- Improvements to Westchester Community College;
- Repair and upgrades to Departments of Health and Social Services District Office Buildings;
- New Public Safety Headquarters;
- Food Storage Distribution Warehouse;
- Retrofit of County equipment for pollutant reduction;
- Acquisition of development rights for County farm;
- Improvements to Shelter Facilities; and
- Acquisition of equipment, including computers.

and provide legal services for the 2007 County Fall General Obligations sale.

Name of Accomplishment: Other Financings

When Initiated: N/A

Current Status: Ongoing

Description: Provide continuing legal counsel to the Department of Finance in various financing arrangements, including private placement of Bond Anticipation Notes, the sale of County bonds to the New York State Environmental Facilities Corporation.

Name of Accomplishment: JFK Marina

When Initiated: 2007

Current Status: Ongoing

Description: Providing legal advice and drafting of an IMA, Capital Budget Amendment and Bond Acts as well as associated legislation for the design, construction management and construction of a segment of Riverwalk as well as the design, construction management and construction of an amphitheatre, parking structure (part of the parking, the rest is to be funded by Yonkers) all in the City of Yonkers.

Name of Accomplishment: Sewer Main Break - Yonkers

When Initiated: N/A

Current Status: Ongoing

Description: Provide legal advice and counsel after being advised of the emergency. Draft legislation for a bond act and Capital Budget Amendment to finance the cost of repairs for the North Yonkers Sewer Main Break in May 2007. Also drafted a legal opinion concerning what responsibilities an owner of real property has to the County where the County has a permanent easement for a sewer main. After notice of claim was filed by Ginsburg Development Corporation, work under the direction of outside counsel in connection with obtaining permission from the company to do forensic analysis of the slope.

Name of Accomplishment: Ichabod's Landing RiverWalk

When Initiated: 2004

Current Status: Complete

Description: Provided legal advice and counsel, research and drafting services, including drafting of necessary legislation, A&C resolutions and agreements to facilitate the purchase of riverfront property, located in the Village of Sleepy Hollow. This acquisition will become an integral part of RiverWalk and will be maintained by the Village of Sleepy Hollow pursuant to an IMA with the County.

Name of Accomplishment: Village of Croton-on-Hudson RiverWalk

When Initiated: 2005

Current Status: Complete

Description: Provided legal advice and counsel, research and drafting services, including drafting of necessary legislation, A&C resolutions and agreements to facilitate the lease of riverfront property from the Village of Croton-on-Hudson and the construction of a section of RiverWalk thereon. This transaction will complete an integral part of RiverWalk and will be maintained by the Village of Croton-on-Hudson pursuant to an IMA with the County.

Name of Accomplishment: Department of Environmental Facilities Environmental Management System

When Initiated: 2006

Current Status: Ongoing

Description: Provided legal advice and acted as the Law Department's liaison in connection with the creation of an Environmental Management System for the Yonkers Joint Wastewater Treatment Plant in order to certify the plant as ISO 14001 compliant. The plant received certification in August 2006 and plans are proceeding to have the remainder of the department's facilities certified.

Name of Accomplishment: Disposal of County real property no longer needed for County purposes.

When Initiated: 2004

Current Status: Ongoing

Description: Prepared contracts of sale and closing documents for the sale of surplus and residual County parcels that are no longer needed for County purposes as authorized by the board of Legislators. Currently working toward closing on the various parcels approved for sale and preparing new legislation for the sale of additional properties to be deemed surplus by the Board of Legislators.

Name of Accomplishment: Metro Card Fare Collection System

When Initiated: 2005

Current Status: Ongoing

Description: Provided legal advice to the Dept. of Transportation during negotiations with NYCTA for new fare collection system. Currently providing legal advice on contract issues during transition phase to new fare system.

Name of Accomplishment: Agreements with local municipalities for collection of cash bail through the use of credit cards.

When Initiated: 2005

Current Status: Ongoing

Description: Provided legal advice to the Dept. of Correction and drafted contract documents with local municipalities for the collection of cash bail through the use of credit cards. The agreements with the local municipalities will result in a cost savings to the County by allowing the County to release more individuals held on bail at the local municipalities in a more timely fashion, thereby reducing the cost of transporting and housing these individuals at the County Jail.

Name of Accomplishment: Lease of portions of park property at Twin Lakes Park to Twin Lakes Farm, Inc. and Riverdale Riding Corp.

When Initiated: 2005

Current Status: Completed

Description: Provided legal advice to the Dept. of Parks, Recreation and Conservation during the final negotiations of the long term lease documents.

Name of Accomplishment: RFP for Paratransit Services Zone A.

When Initiated: 2007

Current Status: Ongoing

Description: Provided legal advice and prepared RFP documents for the Office for the Disabled in connection with the procurement of Para transit services for a part of Westchester County designated as Zone A.

Name of Accomplishment: Marx Realty Lease for space occupied by WCC at Cross County Shopping Center.

When Initiated: 2007

Current Status: Ongoing

Description: Providing legal advice to WCC in connection with the negotiations for new leased space

at the Cross County Shopping Center due to landlord's requested termination of WCC's current lease.

Name of Accomplishment: Legal Advice Hurricane Preparedness Drill and Follow-up.

When Initiated: 2007

Current Status: Ongoing

Description: Participated as Law Department representative in Hurricane Preparedness Drill in June. Provided legal advice during the drill and continue to work on several follow-up issues identified during the drill. For example, working with Emergency Services, Finance and Budget on emergency procurement procedures.

Name of Accomplishment: Martin Luther King, Jr. Monument

When Initiated: 1999

Current Status: Completed

Description: Provided legal advice, drafted agreements, Board of Acquisition and Contract Resolutions for design, creation of model and contract for fabrication, and installation of Monument.

Name of Accomplishment: County Firing Range

When Initiated: 2005

Current Status: Completed

Description: Drafted Amendment to Lease Agreement with the State of New York, prepared legislative package including Bond Act approving the Amendment.

Name of Accomplishment: Lead Remediation – Armory

When Initiated: 2007

Current Status: Ongoing

Description: Drafted legislation authorizing a second lease amendment with the State of New York in order to remediate a lead condition in the former indoor firing range in the Valhalla Armory and to construct a new lecture room. Drafted the second lease amendment to create sublease for the area to be remediated back to the County.

Name of Accomplishment: Expansion of Gate of Heaven Cemetery

When Initiated: 2007

Current Status: Ongoing

Description: Drafted Legislative package approving expansion of the Gate of Heaven Cemetery, Mount Pleasant to add an additional .23 acre parcel for use for cemetery purposes, pursuant to Section 451 of the NY Real Property Law, Section 1506 of the Not for Profit Corporation Law and Section 320 of the Laws of Westchester County. Awaiting State legislative approval.

Name of Accomplishment: Contracts for Board of Legislators.

When Initiated: N/A

Current Status: Ongoing

Description: Assist Board staff with contracts and contract related questions. Prepare numerous contracts for the Board and related A&C resolutions.

Name of Accomplishment: M29 Line.

When Initiated: 2006

Current Status: Completed

Description: Represented the County in hearing before NYS Public Service Commission to assure that installation of transmission line from Yonkers to upper Manhattan did not traverse any County parks. Worked with County Departments of Public Works, Transportation, Environmental Facilities and Parks, Recreation & Conservation and the Director of Real Estate to assure that proposed line would have minimum impact on County parks, roads, sewers and the operation of the Bee Line Transit System and to assure that any facilities and infrastructure that are disturbed are restored without cost to the County

Name of Accomplishment: Consolidated Edison Energy Cases.

When Initiated: N/A

Current Status: Ongoing

Description: Represented interests of County, its residents and businesses in proceedings before the NYS Public Service Commission as they relate to Con Edison's recently concluded Gas Rate Case and the ongoing Electric Rate Case. Vigorously opposing Con Edison's proposed electric delivery rate increase of over 30%. This is the first fully litigated Con Edison rate case in over 10 years.

Name of Accomplishment: Department of Public Works Prevailing Wage Enforcement Protocols –

When Initiated: 2007

Current Status: Ongoing

Description: Worked with the Administration and DPW on Prevailing Wage Enforcement Protocol. Worked with DPW on a number of projects where the contractor defaulted on its obligations. Work with respective sureties on each project to have the surety either complete the project or reimburse the County for the costs it incurred due to the respective contractors' failure to fulfill their contractual obligations. Updated construction bid contract to assure that it complies with new laws, executive orders, and recent court cases.

Name of Accomplishment: Gateway Building –

When Initiated: 2007

Current Status: Ongoing

Description: Assisted WCC in preparation and review of bid documents, advice during award and ongoing advice during the project for the County's first LEEDs building.

Name of Accomplishment: Bid Net

When Initiated: 2007

Current Status: Ongoing

Description: Assisted the Administration and the Department of Public Works in facilitating the posting of bids electronically through the Hudson Valley Bid Group. Once program was tested and demonstrated to provide benefits to the County, worked with the Department of Environmental Facilities to facilitate its participation in this program. The goal is to add additional departments at the rate of approximately one new department every 60 to 90 days. This has enabled the County to significantly decrease its printing of bid documents and should provide an opportunity for additional contractors to bid on County projects.

Name of Accomplishment: Contracts Management System

When Initiated: 2007

Current Status: Ongoing

Description: Working with the Administration and the Department of Information Technology to modify a system used by DSS to be more broadly useful to other departments so as to be able to better manage contracts and to be able to reduce storage costs by reducing/eliminating paper copies of agreements.

Name of Accomplishment: Sewer District Modifications

When Initiated: 2007

Current Status: Ongoing

Description: Prepared and submitted various Acts to authorize the modification of various sewer districts in throughout the County, most notably, an Act to modify the Saw Mill SSD by the addition of 263 parcels located in the Town of New Castle which is expected to be acted upon by the end of this year.

Name of Accomplishment: Project Lifesaver

When Initiated: 2007

Current Status: Ongoing

Description: Prepared A&C resolution and contract for the Department of Public Safety in connection with a program to provide Electronic Search Specialist training to various DPS and SRS staff to enable staff members to track-down and locate missing Westchester County residents suffering from Alzheimer's and related disorders. Also prepared an A&C resolution and contract with the Alzheimer's Association who will assist with the administration and implementation of this program.

Name of Accomplishment: Global Warming Task Force

When Initiated: 2007

Current Status: Completed

Description: Assisted the County Executive's Office in the development of an Agreement with a consultant to facilitate the work of the County's Climate Change Task Force. Services included consultation with the CE's Office and drafting of the Agreement.

Name of Accomplishment: Westchester County Business Center in China

When Initiated: 2007

Current Status: Completed

Description: Prepared A&C resolution and contract with the Westchester County Association for the provision of International Relations consulting services, including the management and coordination of a Westchester County Business, Education & Cultural Center in China which will serve as a hub for Chinese organizations interested in relationships with Westchester.

Name of Accomplishment: Holocaust & Human Rights Educational Center

When Initiated: 2007

Current Status: Ongoing

Description: Assisted both the Board of Legislators and the County Executive's Office in developing an agreement with the Holocaust & Human Rights Educational Center to provide an educational program on the Holocaust for 1500 Westchester County middle school students and their teachers.

Name of Accomplishment: Vocational English as a Second Language

When Initiated: 2007

Current Status: Ongoing

Description: Assisted the Department of Social Services, Office of Workforce Investment in developing a Memorandum of Agreement establishing a partnership between the County, acting on behalf of the Westchester/Putnam Local Workforce Investment Board and members of the local education and business community to assist in the development of Vocational English as a Second Language projects. The MOA is required in order for the County to be eligible to receive a portion of statewide funding under the Workforce Investment Act to support the development of such projects.

Name of Accomplishment: Grant Funding for Senior Programs

When Initiated: 2007

Current Status: Ongoing

Description: Provide continuing legal counsel to the Department of Senior Programs & Services with respect to its various federally funded programs for the elderly. Services include drafting agreements, legislation and A&C Resolutions to enable the Department to enter into contracts with various agencies and municipalities to implement its various senior services programs.

Litigation Bureau

Name of Accomplishment: Office of Professional Responsibility

When Initiated: 2004

Current Status: Fully operational, 10 matters investigated in 2007

Description: In 2004, the Department of Public Safety created the Office of Professional Responsibility (“OPR”). This office was created to enhance the ability of the County to conduct investigations into alleged wrongdoing by County employees of either a criminal or administrative nature. When a Commissioner of a County Department is advised or suspects that one of their employees has engaged in either serious misconduct or criminal conduct, the Commissioner will notify the Law Department. The Law Department will then notify the Special Investigations Unit at the Department of Public Safety which is also known as OPR. The facts of the case are reviewed by both the Law Department and the Special Investigations Unit to determine if the conduct is criminal or administrative. If the conduct is suspected to be criminal, the Department of Public Safety will take the lead in the investigation into the alleged wrongdoing. Once the investigation has been completed by Public Safety, the Law Department will then conduct its own investigation to determine if disciplinary charges should be brought against the County employee based upon the conduct alleged. If the alleged wrongdoing is not criminal, the Law Department will handle the matter by investigating the allegations to determine whether disciplinary charges against the County employee are appropriate. Since the establishment of the OPR, there has been a more coordinated, timely and appropriate response to cases of serious misconduct by County employees.

Name of Accomplishment: Employee Disciplinary Proceedings

When Initiated: Ongoing

Current Status: Approximately 100 cases were referred to the Law Department to institute charges against County employees for misconduct or incompetence.

Description: This office assists County Departments in the preferral of disciplinary charges against County employees for misconduct or incompetence and representing the County at the hearings or arbitrations in connection with those charges. When an appointing authority wishes to prefer charges against a tenured employee, either under Section 75 of the New York State Civil Service Law or an alternative negotiated procedure such as binding arbitration, this office assists in the drafting of the charges, and facilitates the designation of a hearing officer and the scheduling of the hearing. This office also presents the case to the hearing officer or arbitrator. In the case of a Section 75, after a hearing, the hearing officer makes a recommendation to the Commissioner, who then can adopt the recommendation or deviate from it and impose a different penalty. In the case of a binding arbitration, the arbitrator imposes the penalty, which is final and binding.

Federal Court Cases:

Azariah Campbell v. County of Westchester and Westchester County Department of Environmental Facilities

When Initiated: 2006

Current Status: The case is closed.

Dollars Saved: If this case had gone to trial before a jury, and the verdict was in favor of plaintiff, it is difficult to estimate the amount of the verdict as jury verdicts in civil rights cases can run from \$15,000 to several hundreds of thousands of dollars.

Description: Plaintiff was employed by the Department of Environmental Facilities. Plaintiff was brought up on charges of misconduct and/or incompetence pursuant to Section 75 of the New York State Civil Service Law. As a result of the administrative hearing, plaintiff's employment was terminated. Plaintiff then filed a federal lawsuit alleging racial discrimination under Section 1981 in that similarly situated caucasian employees were not disciplined for the same conduct, and that his supervisor and the hearing officer were prejudiced against him. The County filed a motion to dismiss the complaint. The motion to dismiss was granted and the case was dismissed in its entirety.

Bryant Houston v. Westchester County Department of Correction, Rocco Pozzi, Anthony Amicucci, Ms. Johnson, Correction Officer John Doe 1, et al.

When Initiated: 2005

Current Status: The case is closed.

Dollars Saved: It is difficult to estimate the dollars saved by the dismissal of this case. Jury verdicts for personal injury cases can range from \$10,000 to \$100,000 for this type of injury

Description: Bryant Houston was an inmate at the Westchester County Jail. He commenced an action against the County after he fell from a chair and fractured his wrist. The County filed a motion to dismiss the complaint. The motion was granted in its entirety and the case was dismissed.

Vincent v. County of Westchester

When Initiated: 2005

Current Status: The case has been settled.

Dollars Saved: It is difficult to estimate the dollars saved by the settlement of this case. Jury verdicts for civil rights violations against an inmate can range from \$10,000 to several hundred thousands of dollars.

Description: Plaintiff is a former inmate who has been deaf since birth. He claimed that he was denied accommodations for his disability while he was a pre-trial detainee at the Westchester County jail for approximately 28 days. We had previously moved to dismiss his complaint, which was partially granted, leaving only his claims under the Americans with Disabilities Act. The City of Yonkers had settled with Plaintiff and we negotiated a settlement for \$6,000.00 just prior to Plaintiff's deposition. The Notice of Dismissal has been filed with the Court so that it may be so-ordered by the Judge.

Bostwick v. City of Yonkers, the County of Westchester, et al

When Initiated: 2007

Current Status: The case has been discontinued against the County.

Dollars Saved: It is difficult to estimate the dollars saved by the discontinuance of this case.

Description: Plaintiffs commenced this action in the Southern District of New York, against the City of Yonkers and the County of Westchester alleging that they had been assaulted and falsely arrested by Yonkers Police officers. Prior to motions to dismiss being submitted all parties signed a Notice of Dismissal, dismissing the case against the County of Westchester, with prejudice.

Soto v. City of New Rochelle and the County of Westchester

When Initiated: 2007

Current Status: The case has been discontinued against the County.

Dollars Saved: It is difficult to estimate the dollars saved by the discontinuance of this case.

Description: Plaintiff commenced this action in the Southern District of New York alleging that he

was assaulted and falsely arrested by New Rochelle Police officers. Prior to motions to dismiss being submitted, all parties signed a Notice of Dismissal, dismissing the case against the County with prejudice.

Bryant Houston v. Westchester County Department of Correction, Rocco Pozzi, Anthony Amicucci, Ms. Johnson, Correction Officer John Doe 1, et al.

When Initiated: 2005

Current Status: The case is closed.

Dollars Saved: It is difficult to estimate the dollars saved by the dismissal of this case. Jury verdicts for personal injury cases can range from \$10,000 to \$100,000 for this type of injury

Description: Bryant Houston was an inmate at the Westchester County Jail. He commenced an action against the County after he fell from a chair and fractured his wrist. The County filed a motion to dismiss the complaint. The motion was granted in its entirety and the case was dismissed.

Irvin Lee Patrick v The County of Westchester Department of Corrections, Anthony Amicucci, Warden, Correctional Officer Bender, Correctional Officer "John Doe" and Sergeant McGuire

When Initiated: 2006

Current Status: The case is closed.

Dollars Saved: Dollars saved could have been considerable. The plaintiff had a significant injury to his face and he claims to have continued nerve damage as a result of the experience. Had the case gone to a jury, the verdict could have been at least \$350,000.00.

Description: The plaintiff in this action alleged that he was assaulted by a Federal inmate and that the County failed to protect him. He also alleged that the County was deliberately indifferent to his medical needs. The County filed a motion for summary judgment which was granted, in part, but the Court left the individually named defendants in the case. The County filed a motion for reconsideration arguing that there was no claim against the individually named defendants that constituted deliberate indifference. The Court, upon re-consideration, dismissed the entire matter. The plaintiff suffered a fracture to the face and jaw and claimed to have been in substantial pain. The plaintiff claims that he still suffers from facial palsy and pain as a result of the injury and surgical repair.

Alex Virella v. Commissioner Rocco A. Pozzi, Assistant Warden Anthony Amicucci, Assistant Warden Charles E. Turner, Correction Officer Eric Belton and Grievance Coordinator Captain Orlando

When Initiated: 2006

Current Status: The case is closed.

Dollars Saved: Dollars saved are difficult to calculate.

Description: In this case plaintiff alleged that he was assaulted by Correction Officer Eric Belton while on the cell block. The County filed a motion arguing that there was no basis for a deliberate indifference claim against the individually named defendants and that the claimed injuries received as a result of the contact from Correction Officer Belton were diminimus. The Court dismissed the case in its entirety.

Gladys Ortiz, as mother and natural guardian of Justine Conde and Anthony Price, infants under the age of 14 years and Gladys Ortiz, individually v The County of Westchester the Westchester County Department of Social Services, their agents, servants, employees and assigns.

Case Initiated: 2005

Status of Case: The case is closed.

Dollars Saved: Dollars saved are difficult to calculate.

Description: In this case, the children were sexually abused while in foster care. The plaintiff alleged that the County knew or should have known that the foster home was unsafe and that the kids should never have been placed there. The claim was for deliberate indifference to the safety of the children. After discovery, the County filed a motion for summary judgment arguing that the levels of supervision and investigation surrounding the certification of foster families and continued recertification throughout the years of service. While it was undisputed that the children were victimized in foster care, the Court was persuaded that the County was not responsible in either the theory of negligence or deliberate indifference.

Article 78

In the Matter of the Application of Randall Rice For A Judgment and Order Pursuant to Article 78 of The Civil Practice Law and Rules v. THOMAS BELFIORE, as Commissioner-Sheriff of the Westchester County Department of Public Safety, and the COUNTY OF WESTCHESTER, NEW YORK

When Initiated: 2006

Current Status: The case is closed.

Dollars Saved: The County saved approximately \$100,000 in back pay and other related costs.

Description: Randall Rice was a former Westchester County police officer with the bomb squad who was terminated from employment after he tested positive on a random drug test. He commenced an Article 78 proceeding against the County alleging that the penalty was arbitrary and capricious and that Public Safety's drug policy was inconsistent with the County's policy. The County filed a motion to dismiss and a Verified Answer with the record. The Court upheld the Commissioner's determination to terminate Police Officer Rice's employment.

State Division of Human Rights

Mack A. Finley v. Office of the District Attorney Westchester County New York State Division of Human Rights

When Initiated: 1993

Current Status: The case is closed.

Dollars Saved: If we lost this trial, back pay since 1993 could have totaled approximately \$450,000. In addition, Complainant could have been awarded additional damages of approximately \$150,000.00 for a total of \$650,000.00.

Description: In this State Division of Human Rights Complaint filed in 1993, Complainant, Mack Finley, a former employee of the Office of the District Attorney who was terminated after a Section 75 hearing, claims that he was discriminated against on the basis of his race, gender and disability (alcoholism). After a delay of more than ten years, a hearing was commenced in June 2004 and Complainant testified. The hearing was adjourned several times due to the failure of the State Division of Human Rights attorney to provide documentation, authorizations, etc. Complainant retained a private attorney and hearings were held in July and September, 2006 after which the parties submitted post trial briefs. On April 5, 2007, ALJ Thomas Protano, Esq. issued his proposed recommended Findings of Fact, Opinion and Decision ("Decision") in which he ordered the case dismissed. The Commissioner of the New York State Division of Human Rights issued a Final Order After Hearing on May 11, 2007 adopting the ALJ's Decision.

Carol Merrell v. Westchester County Department of Correction

When Initiated: 2007

Current Status: The case has been completed. The State Division of Human Rights rendered a decision determining that there is no probable cause to believe that the Respondent has engaged in any unlawful discriminatory practices. Petitioner has the right to appeal the SDHR's decision.

Dollars Saved: Difficult to estimate.

Description: In April 1994, Corrections Officer Merrell was returning from her meal break when she tripped on a plastic bag and injured her ankle. Since that date, Merrell has missed hundreds of days for job injury. In October of 2002, Officer Merrell took a promotional exam to become Sergeant and passed with a score of 95, which placed her third on the eligible list. Since that time, C.O. Merrell has not been promoted.

On January 24, 2007, Officer Merrell filed a complaint pursuant to NYHRL against the Department of Correction alleging discrimination on the basis of her disability.

After filing the County's position statement, the State Division of Human Rights rendered a decision in favor of the County finding that there was no probable cause to believe that the County engaged in unlawful discriminatory practice.

Mark Jones v. Westchester County Department of Environmental Facilities

New York State Division of Human Rights

When Initiated: 2007

Current Status: The case is closed.

Dollars Saved: It is difficult to estimate the dollars saved by the withdrawal of this case. Damage awards for discrimination cases vary but an estimate may be from \$75,000 to \$125,000.00.

Description: In this State Division of Human Rights ("SDHR") Complaint, dated March 28, 2007, Complainant claims that he was discriminated against and subjected to a hostile work environment based upon his race and disability (epilepsy). We filed a position statement on May 8, 2007. The SDHR notified us by Order dated July 12, 2007 that Complainant had withdrawn his complaint.

Arbitration

In the Matter of the Application of Mirka Furst and Brian Kelly, as Co-Administrators of The Estate of Zoran Teodorovic, deceased, to File a Notice of Claims, Nunc Pro Tunc, and County of Westchester

When Initiated: 2007

Current Status: The case is closed.

Dollars Saved: Dollars saved could have been in the millions. The decedent was severely beaten to the point that he lapsed into some type of coma. He remained in that state for approximately 8 months and then dies. There would have been significant expert testimony attempting to establish the degree of pain and suffering that he experienced before he dies.

Description: In this action, the estate of Zoran Teodorovic attempted to file a late notice of claim against the County for wrongful death and conscious pain and suffering. The application was filed by a sister who was tracked down in another country by the US Attorney during the federal trial against CO Cote. The County was able to successfully argue that the County would be substantially prejudiced by the allowance of a late notice of claim at this juncture. In light of this case and the history of the correction officer involved, had the case gone to trial, a jury may have found that the County was somehow responsible for the death.

In The Matter of the Arbitration Between Westchester County Correction Officers Benevolent Association and County of Westchester

When Initiated: 2006

Current Status: The case has been completed.

Dollars Saved: In the event the County lost this grievance, it would have significant financial costs to the Department in overtime and other costs on a recurring basis as a majority of the correction officers on job injury status pursuant to GML 207-c utilize prescribed medication.

Description: Westchester County Correction Officers Benevolent Association (hereinafter "COBA") filed a grievance alleging that the County violated the terms of their collective bargaining agreement (Line of Duty Injury Determination) by docking the pay of two correction officers (Dingman and Boyle) when they were unable to complete the performance of their assigned duties due to the claimed effects of their prescribed medication. Arbitrator Rosemary Townley denied the Union's grievance. The Arbitrator found that the County did not violate the agreement when it removed correction officers from the payroll after they requested relief from restricted duty when they were found fit to return to work (with restrictions that encompassed the use of prescribed medication by the medical consultant) after a job injury pursuant to General Municipal Law 207-c.

In The Matter of the Arbitration Between Westchester County Correction Officers Benevolent Association and County of Westchester

When Initiated: 2005

Current Status: The case has been completed.

Dollars Saved: In the event the County lost this grievance, it would have cost the Department undeterminable amounts of money per year related to mileage and meal costs for potentially the entire correction officer population (850+/-) on a recurring basis.

Description: Westchester County Correction Officers Benevolent Association (hereinafter "COBA") filed a grievance alleging that the County violated the terms of their collective bargaining agreement when it denied certain meal and mileage reimbursements by a correction officer. Arbitrator Joel Douglas issued an award finding that the County did not violate the agreement and confirmed that the County's long standing practice of paying meal and mileage reimbursement allowances in accordance with the Westchester County Travel Policy Rules and Regulations Revised January 1, 1981 will continue.

In The Matter of the Arbitration Between Westchester County Correction Officers Benevolent Association and County of Westchester

When Initiated: 2005

Current Status: The case has been completed.

Dollars Saved: In the event the County lost this grievance, it would have undetermined financial ramifications since the Department would have had to pay overtime costs to correction officers who historically were never entitled to overtime.

Description: Several grievances filed by Correction Officers sought monetary awards as a result of being passed over for overtime, because the County claimed that they were not qualified to work the posts where the overtime was needed. Overtime is equalized on a weekly basis ranked by seniority. After a correction officer has worked an overtime shift in a given week, he is placed at the bottom of the equalization list. Arbitrator John Crotty ruled that although it was the County's burden to show that the grievant was the next person eligible for the skipped overtime, in order to prevail, the officer had to show that he suffered an actual financial loss. In the absence of an actual loss, the grievant

would not prevail, even if skipped.

In The Matter of the Arbitration Between Westchester County Correction Officers Benevolent Association and County of Westchester

When Initiated: 2006

Current Status: The case has been completed.

Dollars Saved: In the event the County lost this grievance, the dollar amount is difficult to determine as it may have cost the County money to reimburse the correction officers for missed overtime opportunities while they were on attendance review status.

Description: Correction Officer Bell filed a grievance claiming that the County violated the collective bargaining agreement when it failed to consider extenuating circumstances that caused her to be placed on attendance review. The parties resolved the matter and Arbitrator Jeffrey Selchek confirmed Correction's long standing practice regarding the attendance procedure which is while a correction officer is on attendance review, they are ineligible to work an overtime shift. If the County lost this grievance, the County could have been liable to reimburse correction officers for missed overtime while they were on attendance review status.

Westchester County Department of Correction

When Initiated: 2006

Current Status: This case is completed.

Dollars Saved: It is difficult to estimate the cost to the County, but it had the potential to be significant.

Description: Correction Officers who are assigned to a 5-2, 5-3 rotating work schedule, receive 12 holidays in advance at the beginning of every year by the Department. The Union claimed that if an officer's regular scheduled day fell on a holiday, the officer was entitled to an additional 7 hours off (equivalent to a holiday). Arbitrator John Sands found that the County did not violate the collective bargaining agreement by denying the additional days to those officers, and as such, officers on a 5-2, 5-3 schedule who worked a regular scheduled day on a holiday were not entitled to an additional day off.

State Cases

Margaret Godfrey, Rosemarie Jarosz, and Joseph Rossini v. Andrew Spano, in his official capacity as Westchester County Executive (Defendant), and Michael Sabatino and Robert Voorheis (Defendant-Intervenors)

When Initiated: 2006

Current Status: A Notice of Appeal has been filed.

Dollars Saved: Dismissal of this case likely did not result in any dollars saved.

Description: This is a taxpayer action pursuant to General Municipal Law Section 51, challenging Executive Order 3-2006. Executive Order 3-2006 mandates that Westchester agencies, boards, department and commissioners recognize valid same sex marriages from other jurisdictions in the same manner as opposite sex marriages for purposes of extending and administering rights and benefits, to the maximum extent allowed by law. Petitioners claim that by issuing the Executive Order, the County Executive has exceeded his authority and legislated in the area of marriage, a subject exclusively vested in the state legislature. Defendant and Defendant-Intervenors made motions to dismiss the

Complaint. The Court granted the motions and dismissed the Complaint on the grounds that New York common law concepts of comity allow for recognition of extra-territorial same-sex marriage and that the Executive Order was not a legislative act, but rather, was an administrative directive. Ultimately, the Court issued a declaration that "Executive Order No. 3 is a valid exercise of the County Executive's power, not an illegal act and does not violate the State Constitution or the Municipal Home Rule Law."

Sonnechsen v. County of Westchester and Westchester County Police Department, City of Yonkers and Yonkers Police Department, Town of Eastchester and Eastchester Police Department and Town of Eastchester and Eastchester Police Department v. William C. Klumpp

Case Initiated: 2004

Status of Case: Plaintiff filed a Notice of Appeal which is currently pending.

Dollars Saved: It is difficult to estimate the dollars saved had the County not prevailed on its motion to dismiss. However, jury verdicts in a case involving injuries as severe as plaintiff can range in an amount well over one (1) million dollars, particularly if the jury believed pain and suffering were involved and the County was somehow responsible.

Description: Plaintiff, John Sonnechsen, alleged that he sustained serious personal injuries, which included brain damage and difficulty walking and functioning, on June 17, 2003 while he was standing on the sidewalk in Mt. Vernon Avenue and MacQuesten Parkway in Mt. Vernon and was struck by a stolen vehicle driven by William Klumpp. Plaintiff claimed that the defendant police departments were responsible for the actions of Klumpp, who was convicted of having driven the stolen vehicle while evading police and illegally and recklessly driving the vehicle onto the sidewalk and striking plaintiff. Klumpp previously testified that he drove the stolen vehicle onto the sidewalk in order to avoid traffic that was backed up from a traffic light. The County made a motion for summary judgment alleging that (1) plaintiff's injuries were caused solely by the actions of Klumpp, who was engaging in illegal activity at the time that he struck plaintiff with the vehicle he was illegally driving, (2) the County police did not violate any duty owed to plaintiff, (3) the County police neither caused, nor contributed to plaintiff's injuries and (4) the County police did not act recklessly in any manner whatsoever that would have caused or contributed to plaintiff's injuries and thus did not violate the NYS V&T Section 1104. Since the plaintiff sustained devastating injuries, plaintiff's counsel conducted over 20 depositions in an attempt to confuse the issues and create issues of fact to defeat defendants' motions for summary judgment. The Court the County's motion for summary judgment dismissing the lawsuit in its entirety. Plaintiff has filed a notice of appeal.

Hugh O'Kane Electric Co. v. County of Westchester

When Initiated: October 2005

Current Status: On appeal

Dollars Saved: If the County had lost at trial, the verdict could have been approximately \$550,000.00

Description: Plaintiff was one of four successful prime bidders on a public works contract entitled the "*Sewer System Rehabilitation Program Sanitary Sewage Overflow Facilities New Rochelle Sanitary Sewer District*". Plaintiff was awarded the electrical requirements for the contract. This project was subject to a Consent Order with New York State requiring the project to be completed by September 30, 2004. The plaintiff argued that it was caused to hire additional personnel and incur inordinate labor overtime expenses to comply with the Consent Order completion date because of delays caused by the County. Plaintiff also alleged that it was caused to provide equipment and machinery installations outside the bid requirements. The County argued that plaintiff was bound to complete the

project for the bid award regardless of overtime labor expenses, and that the equipment plaintiff installed and supplied were part and parcel of its responsibility as the successful bidder for the electrical requirements of the projects. The County made a motion for summary judgment which the Court granted on each of the four (4) contested causes of action raised by plaintiff. The fifth cause of action was resolved when the County paid the remaining contract retainage after it acknowledged that plaintiff had provided the County with the requisite shop manuals and specifications for the equipment installed.

Medley, Shequela v. County of Westchester

Case Initiated: 2004

Current Status: The Case is closed

Dollars Saved: Approximately \$50,000.00.

Description- Plaintiff, approximately 27 years old at the time of the incident, alleged that the County negligently caused a fence to fall on her leg at the swing around ride at Rye Playland. Plaintiff alleged leg contusions and sprains as a result of the incident. The jury unanimously returned a verdict in favor of the County.

Quinones, Micheal, Lorraine v. the County of Westchester

Case Initiated: 2004

Current Status: The case is still open, pending payment of the Judgment

Dollars Saved: It is difficult to estimate the precise dollars saved.

Description: Plaintiffs alleged that the County was negligent in its operation of the cat walk to the Playland Plunge ride at Rye Playland. The plaintiff was 7 years old at the time of the incident. He was standing on the catwalk and was knocked down by a splash or wave of water that came over the catwalk. He fractured his elbow and alleged other permanent injury as a result of the fall. Plaintiffs alleged that the County had notice of this defective condition, through the numerous other incidents involving this ride, and alleged that the County took no action to make the catwalk safe for park patrons. Plaintiff's demand to settle the case was \$850,000.00. After a trial, the jury returned a verdict of \$108,000.00.

Anderson, Samara, Jennifer v. the County of Westchester

Case Initiated: 2004

Current Status: The case is has been closed

Dollars Saved: \$30,000.00.

Description: Plaintiffs alleged that the County was negligent in its failure to provide seatbelts or other straps and/or restraints on the log flume ride at Rye Playland. Plaintiff Samara Anderson, then nine years old at the time, alleged that there were inadequate warnings posted on the ride. Plaintiffs allege that two of Samara's permanent front teeth were broken as a result of her hitting her mouth on the side of the boat as she was on the ride. Judge Giacomo granted the County's motion, dismissing the complaint, holding that plaintiffs have failed to offer evidence that there were no warning signs, that there were no handrails on the boat, or that there was any visible defect in the flume ride.

Paula Martinez v. The County of Westchester and Philip J Manuli

When Initiated: 2003

Current Status: The case is closed.

Dollars Saved: Plaintiff's final demand at trial was \$45,000.00. The jury rendered a verdict in favor of plaintiff in the sum of \$25,000.00. The County saved at least \$20,000.00.

Description: This is an action arising out of a rear end collision in the left lane of Route 9A northbound in the Village of Mount Pleasant on June 14, 2002. The claimant alleges that she was stopped in the left lane on Route 9A northbound waiting to make a left into a nursery when a vehicle driven by a County employee struck her in the rear. At trial, the County argued that plaintiff was exaggerating her injuries for purposes of this trial, but even if she did sustain an injury, they were not disabling. The jury agreed with the County and found that plaintiff sustained non-permanent injuries as a result of the accident.

Law Department Accomplishments 2007

Family Court Bureau

Name of Accomplishment: Westchester County Child Fatality Review Team (CFRT)

When Initiated: January 1, 2006

Current Status: Active.

Dollars Saved: When a child dies in Westchester County all the relevant child agencies, including the Special Prosecutions attorneys in the DAO, the designated attorney in the CAO, DSS, relevant Law Enforcement personnel, First Responders, treatment and victim assistance agencies come together to review the circumstances of the child's death. This review often results in enhanced public awareness of potential child hazards, gaps in the responder system, the adoption of better practices with at risk families, and a continuing dialogue among all team members about the reduction of child fatalities in Westchester County. A goal of the CFRT is to keep institute better practices among all agencies treating at risk families and children, and to educate the public about risks for children.

Description: The mission of the CFRT is to improve the safety and well-being of children by changing systems that are failing to protect children. A secondary mission is to educate the public about how children die. This is accomplished through a collaborative effort by government and community based agencies. The emphasis of the CFRT is a team approach to review child fatalities, review processes and history of the family with WCDSS, to create a corrective action plan when needed, and to write all fatality reports. Westchester County is the only county in NYS to write its own fatality reports.

Name of Accomplishment: Juvenile Drug Court Planning Team

When Initiated: Planning began for the establishment of a Juvenile Drug Court in May of 2003.

Current Status: The Family Court Bureau has continued to participate in all planning sessions. The Team members include members of the County Attorneys Office, Department of Probation, various treatment providers throughout Westchester County, and Court staff. The goal is to have the Juvenile Drug Court fully implemented as soon a practicable. Although it was expected to begin in October, 2006, to date no Juveniles have been identified that would qualify for such intervention.

Description: The Juvenile Drug Court will target non-violent offenders under the age of 16 years and will provide their immediate access to substance abuse rehabilitation programs and any other necessary services. By providing early intervention, the hope is that the offenders will obtain the assistance they need and will not commit further crimes in Westchester County, thereby reducing the cost for the prosecution of repeat offenders.

Name of Accomplishment: Training Initiative – Westchester County Public Schools

When Initiated: .September 2006

Current Status: The County Attorneys Office wrote a letter to the attorneys and superintendents of every school district in Westchester County offering expertise on mandated reporting by a panel of representatives from the CAO, DSS and the CAO to trainers in each school district. Several school districts took advantage of this offer, and the panel went to a number of school districts and spoke to principals, guidance counselors, and administrative personnel about mandated reporting requirements.

Dollars Saved: None, but potential reduction in the number of abused or maltreated children.

Description: The training was offered to continue to ensure that children at risk are identified by objective observers who see children constantly and that those at risk children receive services and family intervention as appropriate to keep children safe.

Name of Accomplishment: Training Initiative – Hospitals in Westchester County

When Initiated: Planning began in September 2006 for several senior attorneys to go to Westchester hospitals and train medical personnel on several pressing issues including the safe haven/abandoned baby statute, babies born with a positive illegal drug toxicology, mandated reporting requirements and

parents who are Jehovah's Witnesses denying blood transfusions for their children.

Current Status: The attorneys conducted trainings at several hospitals during 2007. We remain in contact with Westchester Medical Center and expect to continue training as need arises.

Dollars Saved: None, but clarification of a number of issues that could give rise to more county expenses, and ability to have contact when questions arise.

Description: The training was offered due to a perceived need for a better understanding of several relevant statutes that have changed. Additionally the clarification of the Jehovah's Witness issue hopefully will lead to an understanding that refusal of a transfusion is not neglect, and hospitals must determine whether the medical problem is so life threatening that court intervention brought by the hospital is appropriate.

Name of Accomplishment: Training Initiative – Mt. Vernon Police Department

When Initiated: January 2007

Current Status: Ongoing

Dollars Saved: Previously Juvenile matters were not filed, or were not timely filed due to a misapprehension of what was needed for Family Court matters. By training the Mt. Vernon police officers it is hoped that matters will be more timely filed and prosecuted.

Description: In March 2007 Police Commissioner Chong requested help from Westchester County due to an increase in gang and juvenile behavior. The CAO offered to train police officers in deposition writing and regarding criminal statutes that could be used to charge juveniles. Training occurred over nine days, and nearly all patrol officers were trained. Supervisory police officers will be attending upcoming training.

Name of Accomplishment: Training Initiative - Westchester County DPS Academy

When Initiated: July 2007

Current Status: Ongoing

Dollars Saved: Not applicable

Description: Juvenile matters, particularly in relation to gang activity, is being seen at a younger age. Training at the police academy focused new recruits on juvenile crime and gang related activity. Training for the new recruits also explained the differences between Family Court and Adult criminal matters. Further Police Supervisory training is ongoing to ensure that juvenile matters are handled appropriately.

Name of Accomplishment: Westchester County Multi-Disciplinary Team (MDT)

When Initiated: May 2004

Current Status: Active

Dollars Saved: The Westchester County MDT seeks to reduce trauma to child victims of abuse by ensuring that allegations of child sexual and/or physical abuse are investigated in a collaborative fashion. Collaborative sex abuse investigations eliminates duplication of efforts and ensures successful Family Court prosecution thereby decreasing the amount of monies expended by Westchester County for investigation and prosecution of child sex abuse matters.

Description: The Westchester County MDT is now actively working with the Westchester District Attorney to develop protocols to conduct joint investigations and review procedures for improvement of the delivery of services to sexually and severely abused children in Westchester County. Planning meetings occur regularly. Two attorneys are assigned to MDT offenses, one in Yonkers and one in White Plains.

Name of Accomplishment: Westchester County Attorney advising DSS in District Offices

When Initiated: March 2007

Current Status: Active

Dollars Saved: Not Applicable

Description: The CAO in collaboration with DSS, reviewed gaps in DSS attorney services. One area needing more attorney services was in the DSS District Offices, where an attorney could be available to conduct on site training, answer questions, review petition referral memoranda, and promote uniformity among the District Offices. It was also hoped that the attorney would improve an understanding of court requirements to prove a case. provides training and community outreach to the police and public regarding issues of domestic violence.

Name of Accomplishment: Aggressive prosecution of Child Support

When Initiated: January 2006

Current Status: Active

Dollars Saved: An applicant who is not in receipt of public assistance who seeks the services of a County Attorney in a child support proceeding must agree to pay for the services under the provisions of Social Services Law §111g. While the County Attorney represents the Support Collection Unit in these matters, the burden of the cost is shifted from the taxpayer to the applicant for services.

Description: In one particular matter, an applicant first sought the services of the County Attorney's office in March 2006. The prosecution of this matter by this office resulted in an order of incarceration and a payment toward child support arrears of \$25,000. In 2007, the applicant again sought the services of this office to help collect child support arrears. The tenacious prosecution of this matter at trial resulted in an extraordinary order by a Family Court Judge: the court ordered respondent to be incarcerated for six months; pay \$25,000 toward arrears and judgments, and perhaps most significantly ordered a cash bond of \$100,000 be posted to ensure future payment of child support. It is hoped that a clear message has been sent by the court that the failure to pay child support will not be tolerated, and that the court will exercise every available power to ensure payment.

Name of Accomplishment: Yonkers Board of Education Truancy Project

When Initiated: January 2007

Current Status: Active

Dollars Saved: None

Description: The increase in gang related activities in Yonkers was identified as resulting in part from the high rate of truancy of students from Yonkers Public Schools. The CAO participated in numerous meetings with Yonkers PD, DSS, the judiciary, Probation, and Yonkers school personnel to address truancy issues, and helped draft a form to guide school personnel in calling the State Central Registry to report educational neglect. Additional attorneys are being hired to prosecute the increased educational neglect petitions that are expected to result from the increase in calls to the State Central Registry.