

Law Department

2024 Executive Proposed Budget

Core Programs & Functions

- Appeals, Opinions and Legislation Bureau
 - Handles appeals in federal and state courts
 - Prepares legal opinions as requested by County Executive, Board of Legislators and County Departments, Boards and Commissions.
 - Drafts legislation as requested by County Executive, Board of Legislators and County Departments
- Litigation Bureau
 - Handles major and routine litigation by and against the County
 - Handles administrative proceedings
 - Handles labor and employment proceedings including disciplinary and grievance issues

Core Programs and Functions

- Family Court Bureau
 - Handles abuse and neglect proceedings
 - Handles fair hearings and proceedings to terminate parental rights
 - Pursues child support proceedings for custodial parents
 - Prosecutes juvenile delinquency cases in Family Court and Youth Court
- Real Estate and Contracts Bureau
 - Drafts contracts for County departments
 - Prepares and reviews requests for proposals
 - Reviews legal issues arising under contracts and provides legal advice to County Executive, Board of Legislators and County Departments

Core Programs and Functions

- Office of Risk Management
 - The Office of Risk Management is responsible for managing a comprehensive risk management program for the County, which includes the formation, implementation and monitoring of the policies as they relate to insurance, safety, claims and the settling of losses.
 - The office continually determines and analyzes all casualty risks of loss to which the County's assets are exposed and evaluates such risks to determine whether they can be eliminated or minimized; investigates and manages claims of general, automobile, public officials and malpractice liability and administers the County's self insurance program.

Budget Summary

ITEM	2023	2024
Operating Positions	91	91
Trust Positions		
TOTAL POSITIONS	91	91
Personal Service	\$11,134,323	\$11,077,977
Equipment	\$68,532	\$85,000
Materials & Supplies	\$69,011	\$72,700
Contractual Expenses	\$3,512,328	\$3,170,175
Inter-Departmental Charges	\$1,105,072	\$1,140,431
TOTAL EXPENDITURES	\$15,889,266	\$15,546,283

Budget Summary

ITEM	2023	2024
Inter-Departmental Revenue	\$12,191,955	\$11,693,248
Departmental Revenue	\$3,640,107	\$4,064,907
State & Federal Aid		
TOTAL REVENUE	\$15,832,062	\$15,758,155
DEPARTMENT TAX LEVY	\$57,204	\$-211,872

New Initiatives & Highlights

- Child Victims Act cases. Secured insurance coverage for twenty-three Child Victims Act lawsuits based upon allegations of abuse prior to 1986 when the County became self insured. Prepared a compendium, all liability insurance policies issued to the County from 1958 -1986. Negotiations with the primary insurance company, Liberty. The County Law Department is defending the County in the remaining ten Child Victims Act lawsuits with allegations of abuse after 1986. The County legal team meets with the outside counsel legal team weekly to coordinate the consistent handling of the legal issues in these cases.
- Liberty Lines Bus Accident Cases-A dedicated attorney was assigned to oversee and monitor all Liberty Lines bus accident cases. The entire portfolio of open Liberty Lines bus accident cases - - currently 121 - - was re-examined to check current litigation status and confirm proper handling by outside counsel. In addition, all open cases were individually analyzed to set individual case reserves. In 2023 eight cases have been settled and submitted to either the Board of Legislators or the Board of Acquisition and Contracts. For the pre-July 1, 2018 claims subject to a \$250,000 self insured retention, there are 36 open claims pending. For the post-July 1, 2018 claims, subject to a \$100,000 deductible, there are 149 open claims and 16 open Paratransit claims.

- Secured amendment to New York State Law to provide for indemnification for Westchester Guardians ad litem assisting cognitively impaired respondents in residential eviction proceedings. Continued work with the 9th Judicial District to implement the guardian ad litem program to assist cognitively impaired respondents in residential eviction proceedings.
- Obtained dismissal of fifteen federal and fifteen state lawsuits through motion practice, from August 1, 2022 to July 31, 2023.
- Continued to litigate modification of restrictions in the deed and trust relating to use of Merestead and availability of trust funds for needed infrastructure work on the property.
- Settled litigation related to County's redistricting plan following the 2020 census and drafted amendments to the Redistricting Law.
- Continued to monitor and work with outside counsel on the settlement of claims against the manufacturers and distributors of opioids seeking damages for treatment, education, prevention and other measures as a result of the opioid epidemic in the County. To date, the County has received \$11,431,713. Additional distributions are expected over the next twelve years.
- More intensive evaluation of cases for mediation and/or settlement.
- More intensive enforcement of defense and indemnity rights of the County.
- More intensive enforcement of rights under and with surety bonds.

- Recovery of Liens. New York State Social Services Law enables the County to enforce its right to pursue repayment from responsible third parties by the placement of a lien for public assistance on personal injury claims and suits against third parties to the extent of the expenditures made on the recipient's behalf. The Social Services Law also authorizes the placement of claims on estate assets for any assistance received by the decedent ten years prior to the date of death. The Law Department's pursuit of these liens and/or claims resulted in the recovery of \$2,564,650.69 in Medicaid expenditures; \$112,433.25 in public assistance funds from August 1, 2022 to July 31, 2023.
- Continued to assist with the implementation of the Independent Office of Assigned Counsel and the transition of duties from the Legal Aid Society of Westchester.
- Drafted legislation to protect the health, safety and security of the residents of Westchester County, including legislation related to:
 - Environmental matters including:
 - Creation of a subcommittee of African American Advisory Board to study the prevalence of asthma in communities of color.
 - Abatement of lead in County's parks drinking water;
 - Establishment of a renewable energy database for municipalities;
 - Ensuring equity in the County's environmental projects.
- Establishment of Office of Housing Counsel;
- Regulation of Single Use Foodware;
- Determination of Non-Responsible Bidders.

- Amendment to the County For- Hire Vehicles Law
- Amendments to the Human Rights Law and Fair Housing Law
- Creation of a County School Bus Camera Program
- Regulation of Lithium Ion Batteries
- Amendments to County Source Separation Law
- Replacing Utility Poles on County Roads
- Amendment to Reproductive Health Care Facilities Access Law.
- Authorization for use of videoconferencing for meetings of the Board of Legislators and Committees and the public bodies of the County Executive,
- Establishment of Independent Police Accountability Board;
- Tax Exemptions for low income Senior Citizens and Disabled persons;
- Appointments of County Commissioner and Directors;
- Naming of County buildings and facilities;

Appeals and Major Cases

- Vitagliano v. COW/Hulinsky v. COW (clinic access)
- Haslinger v. COW (second Circuit failure to protect)
- Matter of Cordei A.G.
- Matter of Luis M.V.
- Matter of Harlem H.
- Cannizzaro v. COW.
- Matter of Anastasia (Latonia J.)
- Matter of DeLeon v. WCDSS.
- Blade/JSX/Delux/XO v. COW- Litigation with charterers seeking to avoid application of County Law governing airport Terminal Use Procedures (“TUP”) to their business model. County filed motion for summary judgement to enforce TUP and is currently preparing Reply to Plaintiffs opposition to the County’s motion.
- White Plains Aviation Partners (“Million Air”) v. COW –previously secured dismissal of certain breach of contract claims; Million Air filed an amended and supplemental complaint. There is currently a stay of discovery at Plaintiffs request pending Million Air’s cure of its lease default in failing to maintain hangar T-25 for light general aviation use.

Appeals and Major Litigation

- Vitagliano v. County of Westchester-secured dismissal complaint in federal district court challenging the constitutionality of the “bubble zone” provisions of the County’s Reproductive Health Care Facilities Act. The Second Circuit Court of Appeals affirmed the dismissal . County law amended to repeal section regarding bubble zone provision. Plaintiff filed a petition for certiorari in the United States Supreme Court, which the County opposed. The decision on certiorari is pending.
- Hulinsky v. County of Westchester-successfully opposed, Plaintiffs’ motion for a preliminary injunction, seeking to enjoin numerous provisions of the County’s Reproductive Health Care Facilities Act. Plaintiffs appealed the decision denying a preliminary injunction to Second Circuit Court of Appeals. Awaiting oral argument date. The discovery phase of the litigation is continuing in the District Court. The County plans to move for summary judgment.
- The County has been engaged in litigation with the City of Rye over Rye’s unlawful attempts to impose property taxes on Playland, as well as the City’s attempts to enforce collection of the those taxes, despite the determination of the New York Supreme Court that they are unlawful.
- Worked with County’s Vehicle Accident Review Board (VSRB). With Risk Management, the Law Department reviewed and revised the outdated Procedures Manual that govern the meetings and practices of the VSRB.

Contracts and Real Estate Bureau

- Continued to provide legal advice and counsel, research and drafting services to the Department of Information Technology in connection with implementing the County's Voice Radio Communications Systems Replacement Project. Negotiated, drafted and worked on agreements to obtain the necessary real property rights for the project to continue. Working on agreements for two (2) new subprojects to provide mobile radios for all local public vehicles and to replace VHF antennas with tri-band antennas on all police headquarters
- Provided legal advice, drafted legislation, drafted and negotiated with counsel for the New York Medical College in connection with proposed amendments to leases of the County-owned buildings located on the Grasslands Campus known as the Old Commissioner's House, Vosburgh Pavilion and Sunshine Cottage.
- Provided legal advice, drafted and negotiated multiple funding agreements and IMAs with counsel for the New York State Department of Environmental Conservation, New York State Environmental Facilities Corporation and City of Mt. Vernon in connection with the funding, design and construction of below-grade sewer pumping station and sewer line replacement in the City of Mt. Vernon.

Real Estate and Contracts Bureau

- Continued to participate in extensive discussions and consideration with the Department of Information Technology, and provided legal advice, related to the procurement and future implementation of electronic signatures for contracts.
- Provided legal advice and assistance in connection with the renewal of contracts for the continuation of eight (8) Mobile Crisis Response Teams, comprised of specialized trained staff with experience in addressing mental health, developmental disabilities, substance abuse and co-occurring issues. This initiative (“Project Alliance Initiative”) is part of the County’s far reaching plan to “Reimagine Policing” in Westchester County.
- Continued to monitor the Playland Management Agreement (PMA) with Standard Amusements for operation of Playland Park. Worked on review and enforcement of the PMA services, completion of County construction projects, maintenance of rides, and other Standard obligations. Communicate with Standard regarding implementation of the PMA.

Family Court Bureau

- Endeavored to expand the community outreach program related to reducing youth crime, by fostering long-term, proactive partnerships among the Law Department, law enforcement, the community and public and private organizations. Presented at various schools and community network meetings and formulated partnerships with various Youth Courts. Aided the Mt. Vernon Police Department with designing their own Youth Court. Participated in National Night Out Against Crime events throughout the County. The purpose is to use the authority of the Family Court Bureau (FCB) to solve problems, improve public safety and enhance the quality of life of community members. Community outreach initiatives seek ways to prevent and reduce youth crime and improve public safety. This past year the FCB has presented at various schools and community network meetings. Additionally, the child support, child welfare and juvenile justice teams presented to stakeholders at the County's Domestic Violence Counsel. In 2023, for the third year, the FCB will participate in the National Night Out Against Crime events throughout the County.
- Juvenile court judges and practitioners are the most important public figures in the juvenile justice system-they decide whether youth become court-involved each year and for how long, whether youth are involuntary removed from their homes and communities, and which services they receive. Because of the important role they play in their communities, it is vital that they receive comprehensive training on juvenile justice issues. The FCB will be partnering with the New York State Judicial Institute to develop a comprehensive state-wide training on juvenile justice, including topics of reform initiatives and changing the law. The symposium will provide state-wide leadership, coordination, and resources to those working to prevent and respond to juvenile delinquency and victimization.

Office of Risk Management

- Significantly reduced the County's incurred premiums, while ensuring that the County's insurance coverage remained unchanged or enhanced; facilitated insurance renewal programs and ensured the County received improved carrier broker and claims handling service on a going-forward basis-
- Enabled premium savings and facilitated insurance renewals by restructuring the Fine Arts, Crime and Westchester Community College Auto Insurance programs during Fiscal Year 2022. Such bundling of coverage proved financially beneficial during Fiscal Year 2023.
- Developed and implemented a new Property Insurance Premium Allocation Methodology during Fiscal Year 2023. The new methodology was developed to fairly allocate premiums to departments on the basis of the involved department's insurable values, as opposed to an on-going "rough" estimate.
- Identified a software application to be used during Fiscal Year 2024 that will help contract monitors better monitor their receipt and the accuracy of incoming Certificates of Insurance and incoming insurance policies. Likewise, it will assist the Office of Risk Management with monitoring and receiving timely Binders of Insurance, insurance policies, and endorsements.
- Recommended securing Loss of Use compensation from third parties who have damaged the County's various properties.

Office of Risk Management

- Successfully negotiated a better renewal premium for the County's Bee Line Liability insurance policy, during Fiscal Year 2023.
- Sought competitive Abuse and Molestation quotes from carriers in an effort to address Daycare insurance requirements for the Department of Social Services.
- Worked with Westchester Community College to assist with identifying insurance needed for students doing clinicals at various medical facilities.
- Conducted Accident Reviews and served on the Board of same. Successfully advised appropriate parties of actions needed when a County employee is involved in an accident i.e.: loss prevention and protection of the County.