

Department of LAW

Office of the County Attorney

2021 Executive Proposed Budget

Core Programs & Functions

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

Budget Summary

ITEM	2020	2021
Operating Positions	91	91
Trust Positions		
TOTAL POSITIONS	91	91
Personal Service	\$9,709,233	\$9,704,010
Equipment	\$68,000	\$38,100
Materials & Supplies	\$65,325	\$66,050
Contractual Expenses	\$3,086,225	\$3,161,791
Inter-Departmental Charges	\$888,418	\$932,495
TOTAL EXPENDITURES	\$13,817,701	\$13,902,446

Budget Summary

ITEM	2020	2021
Inter-Departmental Revenue	\$12,532,114	\$11,963,336
Departmental Revenue	\$3,976,234	\$3,859,992
State & Federal Aid		
TOTAL REVENUE	\$16,508,348	\$15,823,328
DEPARTMENT TAX LEVY	-\$2,690,647	-\$1,920,882

New Initiatives & Highlights

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

New Initiatives & Highlights

- Implemented the State's Raise the Age ("RTA") legislation in the County where misdemeanors, most non-violent felonies and certain violent felony charges for 16 and 17 year olds will be handled in Family Court and therefore prosecuted by the County Attorney's office rather than the District Attorney's Office in the criminal court.
- Negotiated and drafted the Proteus lease and amendments for temporary housing of adolescent offenders who have been court-ordered to secure detention and cannot be detained in Woodfield Cottage with juvenile delinquents pursuant to Raise the Age legislation.
- Negotiated and drafted the New Rochelle Family Court Lease at Garden Street and amendments thereto.
- Oversaw implementation of Order on Consent with the New York State Department of Environmental Conservation relating to remediation of PFOA and PFOS at the County airport. Engaged in continuing outreach and communication with environmental groups regarding the Order on Consent and PFAS contamination.
- Drafted legislation to protect the health, safety and security of the residents of Westchester County, including legislation related to: Sales Tax Extender, both drafting state legislation and local legislation, Act No. 27 of 2020; Extension of the Expiration Date for the Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Service Members, LL-3 of 2020; Prohibiting Certain Performances and Displays of Wild or Exotic Animals, LL-5 of 2020; Filling a Vacancy in the Office of County Legislator, LL-6 of 2020; Reduction of Penalties for Late Payment of Taxes, LL-7 of 2020; Placement of Electric Vehicle Charging Stations at Certain County Parking Facilities, LL-10 of 2020; Imposing a Limitation on service by a Westchester County Executive, LL-12 of 2020.
- Representing the County's interests with regard to a Bankruptcy Chapter 11 reorganization case commenced by Standard Amusements. Engaged in extensive renegotiation of management agreement entered into by previous administration to achieve more favorable terms for County.

New Initiatives & Highlights

- Permit with NYSOG for temporary emergency facility at County Center.
- Prepare lease of Days Inn in Elmsford for general isolation housing for COVID-19 patients.
- Conducted negotiations with Verizon, AT&T and other carriers and municipalities regarding cell towers.
- Worked with outside counsel and monitored developments in gas and electric rate hearing cases with PSC and Con Ed. Developed positions including obtaining storm hardening measures.
- Commenced litigation to modify terms of deed and trust relating to restrictions on use of Merestead and availability of trust funds for needed infrastructure work on property.
- Assist with disbursement of east of Hudson funds to various municipalities for certain approved water improvement projects and sewer districts.
- Counsel to the Department of Information technology in connection with the county's voice radio communications replacement Project.
- Worked with Human Rights commission on fair housing issues and hate incident issues as well as the implementation of public education and outreach for the Earned Sick Leave and Safe Leave Laws.
- Addressed failures to perform by Phoenix and Acme on bus contracts involving the transporting of special needs children and children in homeless shelters. Provided advice regarding termination of contracts, obtaining emergency replacement contracts and making claims against sureties.
- Worked with Ethics Board on revisions to County Ethics Code.

New Initiatives & Highlights

- Negotiated contract with New York City Bar Association to obtain flat fee for CLE training courses.
- Negotiated and drafted emergency contract for operation of the Central Heating Plant at the Valhalla Campus.
- Obtained summary judgment in various cases against the County; obtained judgment as a matter of law in jury trial against the County and Westchester Community College.
- Provide legal counsel to the County Police and Training Task Force established by the County Executive pursuant to the Governor's Executive Order No. 203, which will provide recommendations on modifications and innovations to police policies and practices in furtherance of development of a County plan to reform County police procedures to improve relationships between the police and community and reduce racial disparities in policing.
- As required by New York State law, working with the Chief Judge of the Appellate Division, Second Department, the New York State Office of Indigent Legal Services, the Westchester County Bar Association and the Legal Aid Society of Westchester County to establish a County Office of Assigned Counsel in compliance with State Standards for establishing and administering Assigned Counsel programs. Such program will certify and guide panels of attorneys who provide legal defense for indigent persons in the County in Criminal, Family Court and Appellate matters. Drafting legislation and preparing budgetary and contractual documents for the operation of a County Office of Assigned Counsel.
- Provide legal counsel to the County Executive, Board of Legislators, Department of Health and other County Departments, Boards and Commissions regarding issues related to the COVID-19 pandemic including preparation of Quarantine and Isolation orders and interpretation and compliance with related federal and state laws and Executive Orders issued by the Governor.