

Law & Major Contracts Meeting Agenda



Committee Chair: David Imamura

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, April 29, 2024

10:00 AM

Committee Room

CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Joint with Budget & Appropriations and Labor & Human Rights committees.

Legislator Colin Smith will be participating remotely from 132 Main Street, Suite 1, Peekskill, NY 10566.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

[2024-123](#) ACT - Enter into Agreement with Jackson Lewis re: Multiemployer Pension Plan

AN ACT authorizing the County to retain, at County expense, the law firm of Jackson Lewis P.C. to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the provision of legal advice and counsel regarding withdrawal liability for a multiemployer pension plan under the Multiemployer Pension Plan Amendments Act of 1980 and other applicable law.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, LAW & MAJOR CONTRACTS AND LABOR & HUMAN RIGHTS

Guest: Law Dept.: County Attorney John Nonna

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT



George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

February 28, 2024

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is an Act that, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an agreement (the "Agreement") to retain, at County expense, the law firm of Jackson Lewis P.C. ("Jackson Lewis") to serve in an "of counsel" capacity to the County Attorney, as needed, (the "Services") in connection with the provision of legal advice and counsel regarding withdrawal liability for a multiemployer pension plan under the Multiemployer Pension Plan Amendments Act of 1980 and other applicable law.

The term of the proposed Agreement will commence on September 27, 2023 and continue until the County determines, in its sole discretion, that the Services are no longer required.

Under the proposed Agreement, Jackson Lewis will be paid a total amount not-to-exceed Fifty Thousand Dollars (\$50,000.00), payable at a rate of Five Hundred and Fifty Dollars (\$550.00) per hour for the services of all principals of the firm, and payable at a twenty percent (20%) discount off of standard rates for the services of all other timekeepers.

Procurement of the Services is exempt from the competitive procurement requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)(x) thereof.

Legislation to authorize the County to enter into the proposed Agreement was submitted to your Honorable Board last year, but it was not acted upon prior to the end of the legislative term. In the interim, Jackson Lewis has been available to the County.

I respectfully recommend your Honorable Board's approval of the attached Act.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Nonna". The signature is written in a cursive style and is positioned above the printed name and title.

John M. Nonna
County Attorney

JMN/bdm/nn

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Attorney recommending the approval of an Act that, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to enter into an agreement (the “Agreement”) to retain, at County expense, the law firm of Jackson Lewis P.C. (“Jackson Lewis”) to serve in an “of counsel” capacity to the County Attorney, as needed, (the “Services”) in connection with the provision of legal advice and counsel regarding withdrawal liability for a multiemployer pension plan under the Multiemployer Pension Plan Amendments Act of 1980 and other applicable law.

The County Attorney has advised your Committee that the term of the proposed Agreement will on September 27, 2023 and continue until the County determines, in its sole discretion, that the Services are no longer required.

The County Attorney has advised your Committee that, under the proposed Agreement, Jackson Lewis will be paid a total amount not-to-exceed Fifty Thousand Dollars (\$50,000.00), payable at a rate of Five Hundred and Fifty Dollars (\$550.00) per hour for the services of all principals of the firm, and payable at a twenty percent (20%) discount off of standard rates for the services of all other timekeepers.

The County Attorney has advised your Committee that procurement of the Services is exempt from the competitive procurement requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)(x) thereof.

Your Committee concurs with the conclusion that the proposed Act does not meet the

definition of an action under New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617. Accordingly, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 8, 2024, which is on file with the Clerk of the Board of Legislators.

Your Committee has been advised that the adoption of the proposed Act requires an affirmative vote of a majority of the members of your Honorable Board.

After due consideration, your Committee recommends adoption of the proposed Act.

Dated: _____, 2024
White Plains, New York

COMMITTEE ON

C:BDM-022824

FISCAL IMPACT STATEMENT

SUBJECT: Jackson Lewis P.C. -Pension Plan

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense NTE \$50,000

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: 101_18_1000_4923 NTE \$50,000. Term commenced on September 27, 2023 and will continue until the County determines, in its sole discretion, that the services are no longer required.

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: An act authorizing the County to retain, at County expense, the law firm of Jackson Lewis P.C. to serve in an "of counsel" capacity to the County Attorney, in connection with the provision of legal advice and counsel regarding withdrawal liability for a multiemployer pension plan.

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

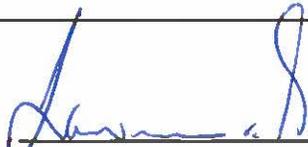
Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: February 7, 2024

Reviewed By: 
Budget Director

Date: 2/7/24

ACT NO. 2024 - _____

AN ACT authorizing the County to retain, at County expense, the law firm of Jackson Lewis P.C. to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with the provision of legal advice and counsel regarding withdrawal liability for a multiemployer pension plan under the Multiemployer Pension Plan Amendments Act of 1980 and other applicable law.

BE IT ENACTED by the Board of Legislators of the County of Westchester, as follows:

Section 1. The County of Westchester (the “County”) is hereby authorized to enter into an agreement (the “Agreement”) to retain, at County expense, the law firm of Jackson Lewis P.C. (“Jackson Lewis”) to serve in an “of counsel” capacity to the County Attorney, as needed, (the “Services”) in connection with the provision of legal advice and counsel regarding withdrawal liability for a multiemployer pension plan under the Multiemployer Pension Plan Amendments Act of 1980 and other applicable law.

§2. The Agreement shall be for a term that will commence on September 27, 2023 and continue until the County determines, in its sole discretion, that the Services are no longer required. For the Services, Jackson Lewis will be paid a total amount not-to-exceed Fifty Thousand Dollars (\$50,000.00), payable at a rate of Five Hundred and Fifty Dollars (\$550.00) per hour for the services of all principals of the firm, and payable at a twenty percent (20%) discount off of standard rates for the services of all other timekeepers.

§3. The County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to carry out the purposes of this Act.

§4. This Act shall take effect immediately.



TO: Vedat Gashi, Chairman of the Board of Legislators
Sunday Vanderberg, Clerk of the Board of Legislators

FROM: Jewel Williams Johnson, Chair, Committee on Budget and Appropriations
Colin Smith, Chair, Committee on Legislation

DATE: March 18, 2024

RE: Item # 2024-123

Due to a clerical error, item 2024-123, AN ACT authorizing the County to retain, at County expense, the law firm of Jackson Lewis P.C. to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the provision of legal advice and counsel regarding withdrawal liability for a multiemployer pension plan under the Multiemployer Pension Plan Amendments Act of 1980 and other applicable law, was incorrectly referred to the Committee on Legislation.

Per the Board's typical practice, items related to contracts are referred to multiple committees, including the Committee on Budget & Appropriations.

We are therefore requesting that item 2024-123 be removed from the Committee on Legislation and referred to the Committee on Budget & Appropriations for consideration.

cc: Marcello Figueroa, Legislative Director
Dylan Tragni, Chief of Staff
Jill Axelrod, Committee Coordinator
James Silverberg, Committee Coordinator

