

Law & Major Contracts

BOL Meeting Minutes - Final



Committee Chair: Nancy Barr

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

Monday, June 7, 2021

1:00 PM

Committee Room

CALL TO ORDER

Joint with Legislation committee

With a quorum present, Chair Barr called the meeting to order at 1:10 p.m.

Pursuant to Governor Andrew Cuomo's Executive Order No. 202.1, "Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency," which temporarily suspends portions of the New York State Open Meetings Law. A section of the order, "Suspension of law allowing the attendance of meetings telephonically or other similar services," provides for the suspension of "Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed."

Others in attendance: BOL: Legislator Margaret Cunzio; Legislators (Remote): Chris Johnson, Ruth Walter; Lisa Hochman, Melanie Montalto, and Committee Coordinator Jill Axelrod LAW: John Nonna, Stacey Dolgin-Kmetz, and Shawna MacLeod

Present: Committee Vice-Chair Barr, Legislator Boykin and Legislator Covill

Absent: Legislator Gashi

Remote: Legislator Alvarado, Committee Vice-Chair Shimsky and Legislator Smith

MINUTES APPROVAL

June 2, 2021 at 10:00 a.m.

On motion of Legislator Smith, seconded by Committee Vice-Chair Shimsky, the minutes were approved. The motion carried by the following vote:

Aye: Committee Vice-Chair Barr, Legislator Alvarado, Legislator Boykin, Legislator Covill, Committee Vice-Chair Shimsky and Legislator Smith

Absent: Legislator Gashi

I. ITEMS FOR DISCUSSION

1. [2021-306](#) PH - Independent Office of Assigned Counsel

Guests: County Attorney John Nonna and Chief Deputy County Attorney Stacey Dolgin-Kmetz
Mr. Nonna discussed the history of the right to assigned counsel. Chair Covill asked how many people will be in the newly created office. Mr. Nonna said a maximum of 4 to 5 people. He noted that they are working with the Budget Director, Larry Soule, to make this budget-neutral,

and they are trying to get grants.

Chairman Boykin questioned why section 186.41(a) provides that the Assigned Counsel Board of Directors should include one member who is a former magistrate judge who served for at least two years on a Town or Village Court in the County, but did not include a City Court judge. Mr. Nonna said they will add that.

Legislator Smith noted that the section provides that two of the members shall be recommended by the Westchester County Bar Association, but to be more inclusive, the County Bar Association should have one recommendation instead of two, and the Lower Hudson Valley Hispanic Bar should have one recommendation for a member of their bar association who is a resident of Westchester to sit on the Board of Directors.

Chair Covill suggested that language be added requiring that the Chair of the Board of Directors should be an attorney.

Legislator Smith will look at adding language requiring the Westchester Bar Association to maintain overall diversity in selecting Board members.

Chairman Boykin asked to add language indicating that the Board of Legislators will have oversight. Mr. Nonna suggested adding language to 186.51(h) which requires the Board of Directors to submit an Annual Report to the County Executive and the Board of Legislators that the Board of Directors “will appear before the Board of Legislators to answer questions regarding the Annual Report.”

Legislator Covill said the committees will continue their discussion at the next meeting which will take place on Wednesday, June 16th at 10:00 a.m., and the committees will then meet on Monday, June 21st at 1:00 p.m. to have Budget Director Larry Soule discuss the budgetary impact of the legislation.

This RESOLUTION - Public Hearing was tabled

2. [2021-307](#) **LEGISLATORS JOHNSON AND WOODSON-SAMUELS - LL -
Independent Office of Assigned Counsel**

Guests: County Attorney John Nonna and Chief Deputy County Attorney Stacey Dolgin-Kmetz
See discussion of Item #1 above.

This LOCAL LAW - Amendment to Local Law was tabled

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Covill, seconded by Legislator Smith, the Committee adjourned at 2:15 p.m.