

Budget & Appropriations

BOL Meeting Minutes - Final



Committee Chair: Jewel Williams Johnson

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

Monday, October 16, 2023

1:00 PM

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.

The Hon. Legislator Symra Brandon will be participating remotely from the 28 Wells Avenue 5th Floor, Yonkers, NY 10701.

With a quorum present, Chair Williams Johnson called the meeting to order at 1:11 PM.

Others in Attendance: GUESTS: John Nonna, Justin Adin, Tami Altschiller; BOL: Ben Boykin, Catherine Borgia, James Nolan, Margaret Cunzio, James Silverberg, Jill Axelrod, Flora White, Lisa Hochman, Warren Watson

Present: Legislator Williams Johnson, Committee Chair Imamura, Legislator Barr, Legislator Gashi, Legislator Maher, Legislator Parker, Legislator Pierce, Legislator Smith and Committee Vice-Chair Woodson-Samuels

Excused: Legislator Tubiolo

Remote: Legislator Brandon

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

[RES-2023-122](#) PH - Instituting Actions and Settlement Authority

A Public Hearing on "A LOCAL LAW amending Section 158.11 of the Laws of Westchester County with respect to instituting actions and settlement authority." [Public Hearing set for November 13, 2023 at 7:30 p.m.]. LOCAL LAW INTRO: 2023-400.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, LEGISLATION AND LAW & MAJOR CONTRACTS

Joint with LEG and LMC.

Guests: Law Department

County Attorney John Nonna

Deputy County Attorney Justin Adin

Mr. Adin discussed the proposed changes to Section 158.11 regarding the authority of the County Attorney's Office to institute and settle actions. First, the not to exceed amount in Section 158.11 (3) would be increased from \$10,000 to \$25,000, which would allow the County Attorney to commence collection actions better in line with the authority of various County bodies to impose fines. He noted that Section 158.11(5) currently allows the County Attorney's office to unilaterally settle actions against the County for an amount not to exceed \$10,000, or personal and property damage not to exceed \$75,000 with the approval of the Board of A & C. These amounts, which have not been increased since 1983, would be increased to \$25,000 and \$150,000, respectively.

Mr. Adin stated that the proposed law would also modify Section 158.11 (5) to provide that A&C's authority applies to any action that is covered through the County's 6-N fund or other insurance program. It would also allow A&C to approve reductions in Workers' Compensation liens.

On motion of Legislator Barr, seconded by Committee Vice-Chair Woodson-Samuels, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

Aye: Legislator Williams Johnson, Committee Chair Imamura, Legislator Barr, Legislator Brandon, Legislator Gashi, Legislator Maher, Legislator Parker, Legislator Pierce, Legislator Smith and Committee Vice-Chair Woodson-Samuels

Excused: Legislator Tubiolo

[LL-2023-400](#) **LL - Instituting Actions and Settlement Authority**

A LOCAL LAW amending Section 158.11 of the Laws of Westchester County with respect to instituting actions and settlement authority.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, LEGISLATION AND LAW & MAJOR CONTRACTS

Joint with LEG and LMC.

Guests: Law Department

County Attorney John Nonna

Deputy County Attorney Justin Adin

Please refer to item #1.

On motion of Legislator Barr, seconded by Committee Vice-Chair Woodson-Samuels, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

Aye: Legislator Williams Johnson, Committee Chair Imamura, Legislator Barr, Legislator Brandon, Legislator Gashi, Legislator Maher, Legislator Parker, Legislator Pierce, Legislator Smith and Committee Vice-Chair Woodson-Samuels

Excused: Legislator Tubiolo

[2023-380](#) **PH-Emergency Contracts**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending certain provisions of Section 167.171 of the Laws of Westchester County regarding emergency contracts." [Public Hearing set for _____, 2023 at _____ .m.]. LOCAL LAW INTRO: 2023-381.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LEGISLATION

Joint with LEG.

Guests: Law Department

County Attorney John Nonna

Assistant Chief Deputy County Attorney Tami Altschiller

Ms. Altschiller said that this will amend Section 167.171 of the Laws of Westchester County regarding emergency contracts. The current law allows the County Executive to execute emergency contracts without competitive bidding as long as a written declaration of the emergency has been provided to the Board of Acquisition and Contract. The law was intended to cover emergency situations in the area of public works contracts, whereas purchase contracts are subject to the provisions of Chapter 836. There has been some confusion with the interpretation of Section 167.171(2), because as currently written it applies to both public works contracts and purchase contracts. In order to address this unintended consequence, Section 167.171(2) needs to be amended to change the law cited in that section from Section 161.11 to Section 161.11(3).

She said that Section 167.171(4) should be amended to remove the one-year term limit for emergency contracts. Supply chain issues that arose during COVID and are still prevalent throughout the construction industry have had significant impact on delivery times for equipment and supplies. Contractors are often finding that extended lead times are required for parts and equipment and that there are unprecedented backlogs. Ms. Altschiller added that although it is not stated in the committee report, the change order process can also result in significant delays if a new problem is found while doing emergency repairs. She noted that there is no similar time restriction under New York State law for emergency contract awards, so this would just keep County law in line with that.

Several legislators expressed concern about having no restriction at all on the length of an emergency contracts. Ms. Altschiller suggested changing it from one year to three years, and additional time only with the approval of the Board of A & C.

Ms. Altschiller said that she was unaware of the one-year time limit, so there are a few emergency contracts that were executed for a two-year term. She is concerned that these projects involve capital and may eventually need bonding, and there might be a problem with assurances and certifications if the contracts are not compliant with the law.

Legislator Pierce asked for a list of the emergency contracts that are still outstanding that have exceeded one year. Ms. Altschiller said she can look at the emergency declarations submitted to A & C to find them. Legislator Pierce also asked for examples of some contracts that went longer than one year.

This RESOLUTION - Public Hearing was continued

[2023-381](#)

LOCAL LAW-Emergency Contracts

A LOCAL LAW amending certain provisions of Section 167.171 of the Laws of Westchester County regarding emergency contracts.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LEGISLATION

Joint with LEG.

Guests: Law Department

County Attorney John Nonna

Assistant Chief Deputy County Attorney Tami Altschiller

Please refer to item #3.

This LOCAL LAW - Amendment to Local Law was continued

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Pierce, seconded by Legislator Brandon, the Committee adjourned at 2:15 PM. by the following vote:

Aye: Legislator Williams Johnson, Committee Chair Imamura, Legislator Barr, Legislator Brandon, Legislator Gashi, Legislator Maher, Legislator Parker, Legislator Pierce, Legislator Smith and Committee Vice-Chair Woodson-Samuels

Excused: Legislator Tubiolo