


April 26, 2024

TO: Hon. Vedat Gashi, Chair  
Hon. Jose Alvarado, Vice Chair  
Hon. Tyrae Woodson-Samuels, Majority Leader  
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer   
Westchester County Executive

RE: Message Requesting Immediate Consideration: **ACT – Approval for Payment of Legal Services.**

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This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators April 29, 2024 Agenda.

Transmitted herewith for your review is an ACT for approval of payment for legal services rendered by appointed Special District Attorney Stephen R. Lewis.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for April 29, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



**George Latimer**  
**County Executive**

April 24, 2024

Westchester County Board of Legislators  
800 Michaelian Office Building  
148 Martine Avenue, 8<sup>th</sup> Floor  
White Plains, New York 10601

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt “AN ACT of the Westchester County Board of Legislators approving for payment the bill for legal services rendered by appointed Special District Attorney Stephen R. Lewis.”

Pursuant to a Special District Attorney Order dated February 9, 2024, the Honorable James McCarty has ordered that Stephen R. Lewis be appointed to act as a Special District Attorney pursuant to New York County Law Sections §§ 701(1)(a) and 701(4), at a rate of \$225 per hour. Under New York County Law § 704(5), your Honorable Board is responsible for authorizing the payment of fees and disbursements to Special District Attorneys, after they have been certified by the Court.

The Honorable James McCarty transmitted to the Westchester County District Attorney’s Office on April 10, 2024 a certified invoice from Mr. Lewis in the amount of \$7515. The attached legislation will enable payment to be made to Mr. Lewis.

Further, there will be future invoices presented by Mr. Lewis while he continues his work as a Special District Attorney. In order to expedite payment, the District Attorney has requested that your Honorable Board set a “not-to-exceed” amount, so that payments can be processed upon certification by the Court, without the need to present each invoice individually for action by your Honorable Board. The District Attorney recommends a “not-to-exceed” amount of \$35,000.00, based upon Mr. Lewis’ first submission. The District Attorney believes it is of utmost importance to make clear that because the Court has ordered Mr. Lewis to act as a Special District Attorney in the subject matter, neither she, nor any member of her staff is involved with or has knowledge of the prosecutorial decisions being made by Mr. Lewis.

In light of the aforementioned, I respectfully request that this Honorable Board adopt the proposed legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written over a blue horizontal line.

GEORGE LATIMER  
County Executive

TO: HONORABLE BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

The Committee is in receipt of “AN ACT of the Westchester County Board of Legislators approving for payment the bill for legal services rendered by appointed Special District Attorney Stephen R. Lewis.

Your Committee is informed that, pursuant to a Special District Attorney Order dated February 9, 2024, the Honorable James McCarty has ordered that Stephen R. Lewis be appointed to act as a Special District Attorney pursuant to New York County Law Sections §§ 701(1)(a) and 701(4). For his work as a Special District Attorney, Mr. Lewis is to be paid the rate of \$225 per hour, plus reasonable and necessary disbursements and costs.

Your Committee is further informed that, to date, Mr. Lewis has submitted a bill in the amount of \$7,515.00, dated March 14, 2024, for legal services rendered from February 7, 2024 through March 13, 2024. This bill was certified by the Court, and transmitted to the District Attorney’s Office on April 10, 2024.

Under New York County Law § 704(5), this Honorable Board is responsible for authorizing the payment of fees and disbursements for Special District Attorneys. Having been so certified by the Court, your Committee recommends authorizing the payment of the existing invoice. It is further recognized that there will be future additional invoices for work submitted by Mr. Lewis. In order to expedite the payment process, and so as to not discourage attorneys from accepting the position of Special District Attorney in the future, the District Attorney has requested that this Honorable Board authorize the payment of future invoices by authorizing payments up to a “not-to-exceed” amount. The District Attorney recommends a “not-to-exceed” amount of \$35,000.00, based upon Mr. Lewis’ first submission. The District Attorney has informed your Committee that this could be subject to

change depending on how Mr. Lewis's work proceeds. Thus, as written, the Act provides that future invoices may be paid, upon certification by the Court, so long as the rate of pay does not exceed \$225.00 per hour, and so long as the amount paid to Mr. Lewis does not exceed \$35,000.00. The District Attorney believes it is of utmost importance to make clear that because the Court has ordered Mr. Lewis to act as a Special District Attorney in the subject matter, neither she, nor any member of her staff is involved with or has knowledge of the prosecutorial decisions being made by Mr. Lewis.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

The Committee, after careful consideration, recommends the adoption of this Act.

Dated:                      2024  
White Plains, New York

# FISCAL IMPACT STATEMENT

SUBJECT: Legal Services, Special DA S. Lewis  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 \$ 35,000

Total Current Year Revenue \$ -

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

Additional Appropriations

Other (explain)

Identify Accounts: DA Technical Services

Fund 101 Dept 37 Unit 0010 Sub-Unit 1000 Object 4420

Potential Related Operating Budget Expenses: Annual Amount \$35,000.00

Describe: Legal services rendered by Special District Attorney Stephen R. Lewis ordered by the Honorable James McCarty pursuant to New York County Law Sections 701(1)(a) and 701(4) to act as a Special District Attorney.

Potential Related Operating Budget Revenues: Annual Amount \_\_\_\_\_

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Current Year: N/A

Next Four Years: N/A

Prepared by: Roberto Nascimento

Title: Sr. Budget Analyst

Department: Budget

Date: April 26, 2024

Reviewed By: 

Budget Director

Date: 4/26/24

ACT NO. \_\_\_\_ - 2024

AN ACT of the Westchester County Board of Legislators approving for payment the bill for legal services rendered by appointed Special District Attorney Stephen R. Lewis

Be it enacted by the Board of Legislators of the County of Westchester, as follows:

§ 1. Pursuant to a Special District Attorney Order dated February 9, 2024, the Honorable James McCarty ordered that Stephen R. Lewis be appointed pursuant to New York County Law Sections 701(1)(a) and 701(4) to act as a Special District Attorney. For those services, Mr. Lewis has and will be providing legal services as a Special District Attorney, at a rate of \$225.00 per hour, plus reasonable and necessary disbursement.

§ 2. To date, Mr. Lewis has submitted a bill for services rendered from February 7, 2024 through March 13, 2024 for such services, in the amount of \$7,515.00.

§ 3. Pursuant to New York County Law Section 701 and the invoice submitted by Mr. Lewis, and certified by the Honorable James McCarty, payment of \$7,515.00 is hereby approved.

§ 4. It is further recognized that there will be future additional invoices for work submitted by Mr. Lewis. Upon certification by the court, in compliance with New York County Law Section 701, future invoices may be submitted to the Commissioner of Finance for payment, so long as the rate of pay does not exceed \$225.00 per hour, and so long as the amount paid to Mr. Lewis does not exceed \$35,000.00.

§ 5. Effective date. This Act shall take effect immediately.