



DRAFT REPORT OF THE WESTCHESTER COUNTY CHARTER REVISION COMMISSION

June 9, 2026

DRAFT

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Requests of Individual Members of the Charter Revision Commission

Approved

- Require periodic reporting on the capital budget, beginning in year 2028.....
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Approved

- Clarify that the term of the Charter Revision Commission shall begin at the first meeting of the Commission.....
- Clarify that an appointing authority may remove his or her appointee to the Charter Revision Commission at the appointing authority’s discretion.....

Request of the Department of Budget

Approved

Require the County Executive to hold two public input sessions regarding the County Budget, prior to submitting a budget proposal to the BOL, no later than October 15th

Requests of the Department of Community Mental Health

Approved

Rename the Department of Community Mental Health the “Department of Community Mental Health, Addiction, & Developmental Disabilities Services”

Use an alternative for the gendered term “manpower” in Sec. 156.01 of the LWC.....

Repeal Sec. 156.41(6) of the LWC, concerning Westchester County Medical Center.....

Eliminate references to area mental hygiene councils.....

Request of the Department of Consumer Protection

Approved

Eliminate the Consumer Policy Board.....

Requests of the Department of Environmental Facilities

Approved

Amend the definition of Solid Waste, and add a definition of recyclables, in Sec. 463.11(1) of the LWC.....

Include a definition of Department of Environmental Facilities in Part XIV, Sec. 1 of the LWC...

In instances when a project is estimated to cost between \$20,000 and \$250,000, require that the Board of Acquisition and Contract request an estimate of the cost of a professional contract from the Environmental Facilities Commissioner, rather than the Public Works & Transportation Commissioner, when appropriate.....

For projects estimated to cost over \$250,000, require that the Environmental Facilities Commissioner co-author the annual report submitted to the County Executive by the Public Works & Transportation Commissioner.....

Allow the Board of Acquisition and Contract to designate, on an annual basis, the newspaper for public notice of public work bids.....

Allow multiple purchases of commodities and services of \$5,000 or less without competitive bidding, from the same vendor, provided the total amount does not exceed \$5,000 over a 12-month period.....

Not Approved

Amend Sec. 836.11(5) of the LWC to state that public work contracts below the threshold amount in New York State General Municipal Law Sec. 103(1) should be subject to the same competitive bidding procedures as purchase agreements below the state threshold.....

Amend County law to allow performance-based incentives for early completion, and penalties for delinquent completion, of public work contracts.....

Allow the sewer and water districts, and Refuse District No. 1, to engage separate counsel from the Law Department as deemed necessary by the Environmental Facilities Commissioner.....

In instances when a project estimated to cost \$20,000 to \$250,000 is to be solely managed by the Environmental Facilities Commissioner, eliminate the requirement for the Public Works & Transportation Commissioner to receive notification of a County department’s request, sent to the Professional Selection Board, for professional services.....

In instances when a project estimated to cost over \$250,000 is to be solely managed by the Environmental Facilities Commissioner, eliminate the requirement for the Public Works & Transportation Commissioner to receive notification of a County department’s request and draft RFP, sent to the Professional Selection and Prequalification Boards, for professional services.....

In instances when a project estimated to cost over \$250,000 is to be solely managed by the Environmental Facilities Commissioner, eliminate the requirement for the Professional Selection Board to send a copy of its rejection of the draft RFP to the Public Works & Transportation Commissioner.....

Allow for a fixed amount, or percentage, of security to be set annually for public work contracts..

Requests of the Department of Finance

Approved

Amend Sec. 229.31(2) of the LWC with the most recently adopted Policy for Investing and Protecting Public Funds.....

Align monetary thresholds in Sec. 229.41 of the LWC with those found in the County Purchasing Act and Sec. 103(1) of the New York General Municipal Law.....

Eliminate the requirement that Local Receivers of Taxes submit annual reports to the County stating the total amount of uncollected state and county tax assessments.....

Amend the LWC to provide for electronic approvals and electronic signatures, when applicable, as alternatives to wet signatures.....

Requests of the Department of Health

Approved

Replace the word “him” with gender-neutral language throughout Ch. 261 of the LWC.....

Clarify that a violation of the County Health Code shall be treated as a civil infraction rather than a misdemeanor.....

Repeal the authority of the Health Commissioner to supervise the Medical Examiner and make the Medical Examiner report to the County Executive.....

Rename the County Health Code the County Sanitary Code.....

Not Approved

Refer to minimum qualifications for the County Health Commissioner as being set by the state Commissioner of Health rather than the state Public Health Council.....

Research whether Sec. 149.31 of the LWC, governing the membership of cities in County Health Districts, should be repealed.....

Thoroughly review the word “district” in Ch. 261 of the LWC and its legal implications.....

Amend Sec. 261.31 of the LWC to eliminate references to the enforcement of laws concerning sewage, the preservation of human life, and the quality of the water supply.....

Eliminate the power of the Health Commissioner to refer matters to the Solid Waste Commission.....

Eliminate the requirement that every owner or lessee of a multiple dwelling, or every agent or person controlling such dwelling, file a notice with the Department of Health.....

Requests of the Department of Human Resources

Approved

Allow the Human Resources Commissioner to create new titles, and reallocate funds within existing pay grades to those new titles, without BOL approval.....

Not Approved

Review all required qualifications specified in the Charter for each commissioner and department head to ensure they are appropriate and not unduly specific.....

Requests of the Department of Information Technology

Approved

Amend Sec. 163.01 of the LWC to reflect centralized oversight of IT resources and procurement by the Department of Information Technology.....

Eliminate implicit reference to the Westchester Access Program and update procedures governing surplus, obsolete, or unusable IT equipment.....

Eliminate all references to the County Records Commission.....

Requests of the Department of Law

Approved

Clarify that the Board of Legislators shall confirm the appointment of a Deputy County Executive.....

Provide that under the County’s definition of classified service, exempt employees shall mean all positions designated so by the New York State Civil Service Department.....

Repeal the requirement that contractors doing business with the County certify adherence to the MacBride Principles.....

Allow the Deputy County Executive, at the County Executive’s discretion, to act as a member of the Board of Acquisition and Contract in his or her place and stead.....

Reorganize the rules for the prequalification and selection of architects, engineers, and land surveyors by repealing and restating them in a single section of law.....

Amend the County’s law on eminent domain to reflect the New York State Eminent Domain Procedure Law.....

Provide Westchester Community College with the same authority to sell, lease, and gift surplus, obsolete, and unused supplies, materials, and equipment as the County.....

Remove all remaining references to the Department of Hospitals in the LWC.....

Authorize the County Attorney to commence actions to enforce defense and indemnification agreements, including obtaining coverage from insurance companies, without BOL approval.....

Comprehensively reorganize the LWC.....

Align the procedure for the BOL’s override of the County Executive’s veto of acts with the procedure for overriding the County Executive’s veto of local laws.....

Clarify that, to begin the veto override process, the County Executive’s statements of disapproval of local laws and acts, respectively, can be presented at any next meeting of the BOL.....

Adopt the New York State standard for public disclosure of autopsy reports.....

Eliminate the requirement that the Law Department approve contracts “as to substance”.....

Increase the authority of the Bureau of Purchase and Supply to rent, lease, and license equipment from a monthly contract limit of \$3,000 to \$10,000.....

Repeal Chapters 895 and 897 of the LWC, concerning the Playland Commission.....

Include Playland in the definition of County “park”.....

Consider creating an administrative office or department consolidating functions currently handled by administrative law judges and hearing officers across departments and offices.....

Requests of the Department of Parks, Recreation & Conservation

Approved

Consolidate Chapters 134, 249, and 765 of the LWC, concerning the Department of Parks, Recreation & Conservation.....

Increase the authority of the Parks, Recreation & Conservation Commissioner to let, license, and grant property, land, rights, privileges, and concessions from five years and one renewal to 10 years and one renewal.....

Relocate reference to management of Washington’s Headquarters from Sec. 209.101(2) of the LWC to Chapter 765.....

Modernize language relating to the Department of Parks, Recreation & Conservation.....

Requests of the Department of Planning

Approved

Clarify that the Commissioners of Public Works & Transportation, Parks, Recreation & Conservation, and Environmental Facilities are each voting members of the County Planning Board.....

Amend County law to mirror state law requiring local municipalities to report final actions concerning planning and zoning, and subdivision plats, respectively, to the County Planning Department within 30 days.....

Amend the LWC to require municipalities to refer a complete package of materials for a proposed action concerning planning and zoning, or a subdivision plat, to the County Planning Board, and provide the Planning Board 30 days to respond.....

Clarify when the powers and duties of the Commissioners of Public Works & Transportation and Planning are shared.....

Increase income eligibility limits for County affordable homeownership program to match standard under state law.....

Not Approved

Eliminate Sec. 712.541 of the LWC, which requires pedestrians to use walkways and pathways provided on County-owned property, and forbids, except in cases of emergency, walking on any drive other than to cross the same at crossings.....

Request of the Human Rights Commission

Approved

Include a statement of non-discrimination in the LWC.....

Requests of the Office of the County Executive

Approved

Eliminate the requirements that the Environmental Facilities and Public Works & Transportation Commissioners, respectively, be professional engineers.....

Eliminate the Professional Prequalification and Professional Selection Boards.....

Modernize County boards and commissions.....

Not Approved

Eliminate the requirement that the Board of Acquisition and Contract approve changes to subcontractors for public work contracts.....

Requests of the Office of the District Attorney

Not Approved

Amend the LWC to state that the District Attorney is an independent, elected constitutional officer, with sole and exclusive authority to prosecute violations of criminal law, administer grants awarded to the District Attorney’s Office, and control prosecutorial programming and staffing decisions.....

Amend the LWC to provide that once the BOL appropriates funds to the District Attorney’s Office, those funds shall be deposited into an account directly under the District Attorney’s control.....

Establish a dedicated trust account for all grants awarded to the District Attorney’s Office, with funds to be used solely at the District Attorney’s discretion, and which cannot be used to reduce baseline appropriations except when grant terms expressly allow.....

Require that appropriations to the District Attorney’s Office not fall below the average of the prior two fiscal years, except when comparable reductions are applied across the entire County budget as part of an across-the-board reduction enacted by the BOL.....

Amend the LWC to ensure that no County policy, procedure, or budgetary act may impede the District Attorney’s Office in fulfilling its statutory duties or ethical obligations under the New York Rules of Professional Conduct.....

Mandate that the District Attorney serve in an ex-officio capacity, and as chair or co-chair, on County boards and taskforces materially impacting criminal justice policy.....

State that the County Attorney may not prosecute probation violations or other criminal proceedings, unless expressly authorized by statute, at the written direction of the District Attorney, or where the District Attorney is disqualified due to a conflict of interest or ethical obligation.....

Requests of Westchester Community College

Approved

Clarify that Westchester Community College is not a department of the County, but rather an institution sponsored by the County.....

Clarify that the County Attorney shall continue to have charge of and conduct all of the civil law business of Westchester Community College.....

Clarify the purchasing authority of Westchester Community College under state law.....

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LETTER OF TRANSMITTAL

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COMMISSION MEMBERS

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COMMISSION STAFF

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ESTABLISHMENT AND OPERATION OF THE COMMISSION

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ESTABLISHMENT AND OPERATION OF THE COMMISSION

This Westchester County Charter Revision Commission is the fourth to meet since the original adoption of the County Charter nearly a century ago. The Commission was created by Local Law No. 2-2014 of the County Board of Legislators (BOL), which added Sec. 194.311 to the Laws of Westchester County and provided that:

1. On or before January 15, 2024, and at least every ten years thereafter, an independent and non-partisan Charter Revision Commission shall be appointed to review and make recommendations to the County Executive and Legislature on amendments, additions or revisions to the Charter and Laws of Westchester County.
2. The Commission shall consist of 23 qualified electors of Westchester County, representing the different geographic areas and reflective of the demographic diversity of the County, to be appointed as follows:
 - (a) Each County Legislator from the 17 legislative districts shall individually appoint one member to the Commission.
 - (b) The County Executive of the County of Westchester shall appoint six members to the Commission.

No appointee to this Commission shall be a County employee or a member of the Westchester County Board of Legislators.

Should any Commission member resign, die or fail to serve, or become a Westchester County employee or member of the Westchester County Board of Legislators, a successor shall be appointed in the same manner as such member was originally appointed, provided however, that no such successor appointment shall be made should such vacancy occur more than six months after the beginning of the term of the Charter Revision Commission.

3. The first meeting of the Commission members shall be convened by the Chairperson of the County Legislature in the second week after the deadline for its appointment for the purposes of electing a Chairperson and receiving its charge. The Commission shall select by a majority vote of the entire membership a Chairperson, a Vice Chairperson and a Secretary.
4. The Legislature shall provide such funds as are necessary for the Commission to conduct its business effectively, including, but not limited to, contracts for consulting services.
5. No member of the Charter Revision Commission shall receive any compensation, but each member may be reimbursed by the County of Westchester for all reasonable expenses incurred in the course of the performance of his or her duties as a member of the Commission.
6. The Commission shall call upon necessary expertise in the community and state, shall hold public hearings to gather citizen opinion on the strengths and weaknesses of the Charter and proposed improvements, and shall maximally publicize its work through the print and electronic media and the County website.

7. The Commission shall issue a written report to the County Legislature at the conclusion of its deliberations, but no later than 18 months from the date of its first meeting, containing its findings and recommendations, if any, for amendments or revisions of the Westchester County Charter and Laws. The Commission shall be dissolved on the day following its report but no later than 18 months from the date of its first meeting, whichever is later. Nothing herein shall be construed to prevent: (1) the extension of the life of a Charter Revision Commission by Act of the Legislature upon request of the Charter Revision Commission; or (2) the amendment of the Charter or Laws of Westchester by any other means authorized by law.
8. The County Board of Legislators shall consider all recommendations submitted by the Commission within six months from the date of the submission of the Commission's final report.

History

Beginning in 1915, a series of commissions recommended a charter for Westchester County. State legislation and local approval by referendum were required to achieve change. All proposals were either vetoed or failed to receive popular support at the polls. Westchester's 1937 Charter, the second adopted by and for a New York county, established a separation of powers system of government in the municipality. Adopted by special act of the state legislature, the Charter was the first in New York State to employ the term "county executive" and also the first to style its governing body as a "legislature." The Westchester County Administrative Code, which accompanied the Charter, was adopted by special act of the state legislature in 1948.

Prior to the convening of this Commission in 2025, there were three earlier extensive reviews of the Westchester County Charter and Administrative Code. The first of these was by a commission that met between 1957 and 1961. The second review was done by a Charter Study Commission appointed in 1987 on the recommendation of the Westchester 2000 project's wide-ranging report on the County's future. It reported in 1988. The third review was by the last iteration of the Charter Revision Commission, which began meeting in 2011 and reported in 2013. All three resulted in significant structural changes to County government. A summary description of the results of the work of these commissions may be found in a presentation on the "Government of Westchester County," prepared for the Commission by Stacey Dolgin-Kmetz and attached as part of the Appendix to this report.

Term of Service

The Commission held its first meeting on Tuesday, February 25, 2025, which marked the beginning of the 18-month statutory period it had to complete its work. The deadline for publication of this final report was August 25, 2026. The Commission completed its extensive work well ahead of schedule, accomplishing this in part by meeting twice per month nearly every month of its existence.

Membership

Westchester is one of New York's largest, most economically vital, and geographically and demographically diverse counties. (With a population of 1,004,457 in 2020, the county

includes within its boundaries 500 square miles of land and water area, with local governance—in addition to the county—provided by six cities, 19 towns and 23 villages.) The method specified by the BOL for comprising the Commission’s membership—one commissioner appointed by each of the 17 legislators elected from single-member districts and six appointed by the County Executive—ensured that the Commission’s 23 members would be representative of the different types and sizes of local jurisdictions in the County, and all its geographic areas, and that it would be bipartisan in character. (Vacancies subsequently occurred such that there were 21 Commissioners at the time of this report’s publication.)

To ensure the Commission operated with some analytic distance from the day-to-day workings of County government, Sec. 194.311 precluded County employees from serving on the body. Nonetheless, appointed members brought to the Commission extensive background as community leaders, including current and former elected and appointed officials at the village, town, and city levels, as well as a richness of formal training and public and private sector experience. Members and their home communities are named at the outset of this report; their resumes are attached as part of the Appendix.

Leadership

At its initial meeting on February 25, 2025, the Commission unanimously selected former BOL member and Mount Vernon City Court Judge Lyndon Williams as Chairman. Town of Rye Supervisor Gary Zuckerman was unanimously chosen as Vice Chair. Former Ardsley Mayor Nancy Kaboolian was unanimously selected Secretary.

Resources

Attorney and former Congressman for New York’s 17th District, Mondaire Jones, served as Counsel to the Commission, and Marcello Figueroa and Althema Goodson of the BOL staff provided additional support and guidance.

Meetings and Decision Rule

The full Commission met 20 times¹, typically twice each month, during the period February 25, 2025 to June 10, 2026, in addition to hosting a public hearing on its draft report June 9, 2026. Quorum was established at 12, a majority of the membership, early in the Commission’s tenure.

Testimony and Information Gathering

The Commission took extensive written and, in more than a dozen instances, live testimony from numerous County government officials, who made presentations regarding the operations of various County departments and offices. The Commission frequently solicited the legal advice of Counsel to the Commission, who in turn benefited from the expertise and institutional knowledge of the Law Department.

¹ At the January 20, 2026 meeting, there was no quorum, so no official business was conducted.

Public Access

All Commission meetings were held in public. Additional efforts were made to ensure public access to Commission deliberations and more generally to inform the public about its work as it proceeded. In addition to the Laws of Westchester County, the BOL's webpages provided access to Commission meeting minutes, press releases, and video recordings of Commission proceedings (<https://westchestercountyny.legistar.com/Calendar.aspx>). A public hearing was held on June 9, 2026.

Deliberations

Counsel to the Commission, as well as BOL staff, informed and facilitated Commission meetings and deliberations in 2025 and the first half of 2026. Their assistance was essential to the completion of this report. The record of full Commission meetings, in the form of minutes, may be found in the Appendix.

Approval Process

The Commission was extremely deliberative in its consideration of over 100 "requests" for approval by various County departments and offices, as well as elected and unelected individuals. The Commission took votes in a series of public meetings. For all meetings in which action was taken, a quorum of the Commission was present. The affirmative votes of a majority of those present were required to approve the inclusion of a recommendation in the Commission's final report.

Commission Powers and BOL Commitment

The Commission is an advisory body to the BOL and County Executive. Under the terms of Sec. 194.311 of the LWC, the BOL must act upon the Commission's recommendations within six months of their formal transmittal.

Final Report

On June 10, 2026, the Commission approved the final report to be transmitted to the BOL and County Executive.

COMMISSION DETERMINATIONS

DRAFT

COMMISSION DETERMINATIONS

Requests of the Board of Legislators and Individual Members

Approved

Mandate that reports required to be submitted to either the County Executive or the Board of Legislators (“BOL”) be submitted to both branches of government, and that where the Laws of Westchester County (“LWC”) are silent as to the recipient of mandatory reports, both branches of governments shall receive such reports

The Westchester County Charter Revision Commission (“Commission”) considered a proposal by BOL Chairman Vedat Gashi, on behalf of the BOL, mandating that all reports from boards, commissions, councils, and task forces presently required to be submitted to one of either the County Executive or the BOL be submitted to both branches of government, and that where the LWC are silent as to the recipient of mandatory reports, both branches of government shall receive them. He reasoned that this requirement would allow each branch of government to better perform its duties, as well as serve as a check on the other branch of government, through access to pertinent information. The following provisions of the LWC are implicated: Sec. 123.20 (Taxi and Limousine Commission); Sec. 241.255 (Planning Commissioner); Sec. 241.311 (Transportation Board); Sec. 277.231 (Westchester County Airport Advisory Board); Sec. 342.51 (Environmental Management Council); Sec. 690.11 (County departments responsible for pest management); and Part XIV, Sec. 3 (Public Works & Transportation Commissioner).

The Commission recommends, based on a review of the small universe of provisions that would be impacted, and the relative lack of sensitivity of the reports, that the proposed changes be enacted in furtherance of the goals of transparency, efficiency, and accountability.

Approved

Update publicly accessible County websites to reflect recent County legislative enactments in the most expeditious manner practicable

BOL Chairman Vedat Gashi, on behalf of the BOL, submitted a proposal to the Commission that the County’s publicly accessible County websites be updated to reflect recent County legislative enactments in the most expeditious manner practicable. BOL staff clarified that this request is intended to include the posting of acts and any resolutions creating ongoing legal obligations. While the County endeavors to post all local laws on publicly available websites, currently, most acts are not posted, despite carrying the force of law. Likewise, most resolutions are not posted, despite numerous resolutions creating ongoing legal obligations for the County. The failure to post these enactments on County websites deprives members of the public, including legal practitioners, of the ability to quickly access County law. There is currently no County law requiring the posting of local laws, acts, and resolutions on any County website.

The Commission believes that the current patchwork approach to posting local laws, acts, and resolutions on publicly accessible County websites undermines the ability of members of the public to quickly access County law. The Commission further believes that codifying an

expeditious website posting requirement for local laws, acts, and resolutions would help to modernize the County’s daily operations and reduce the risk of litigation by members of the public.

Approved

Require that any reports submitted to the BOL be transmitted to the Clerk of the BOL to effectuate service

BOL Chairman Vedat Gashi proposed requiring that all reports submitted to the BOL be submitted to the Clerk of the BOL to effectuate service. BOL staff advised the Commission that this requirement would enhance recordkeeping. Currently, it is not clear to whom a sender should submit written reports intended for the BOL (*e.g.*, the Clerk of the BOL, the Chairman of the BOL, the Chair of a BOL committee). Meanwhile, the Clerk of the BOL currently has an affirmative responsibility to place reports submitted by county entities on the BOL agenda, thereby creating a traceable point of reference for locating them in the future.

Counsel to the Commission noted that some provisions of the LWC already require certain reports to be submitted to the Clerk of the BOL. For example, Section 122.101 of the LWC specifies that the Annual Report prepared by the County Tax Commission must be submitted to the “Clerk of the County Board.” However, most of the LWC provisions requiring submission of a report to the BOL do not specify where to send it.

Approved

Research whether an inspector general position should be created for the County

Westchester County Legislator James Nolan proposed creating the position of inspector general for the County. In his letter to the Commission, he explained:

As a Westchester County Legislator, I am writing to express my support for establishing the position of Inspector General within the County Charter. I fully support the mission of ensuring government accountability, transparency, and the responsible use of taxpayer dollars. Westchester County residents deserve confidence that their government operates with integrity and efficiency. The creation of an Inspector General position is a significant proposal, and while I recognize the potential benefits of enhanced oversight, I believe this decision must be carefully considered in terms of scope, authority, and fiscal impact. It is important that we avoid unnecessary duplication of responsibilities already handled by existing entities.

An Inspector General should operate as:

Independence – The Inspector General must be free from political pressures, with safeguards in place for impartiality.

Defined Authority – The scope of the Inspector General’s responsibilities should be clearly outlined to complement—not overlap—existing oversight functions.

There is precedent for Legislator Nolan’s proposal. Executive Order No. 7-1998

established an Office of Inspector General on June 3, 1998, but the order was repealed by Executive Order No. 10-1998 on December 31, 1998. By way of explanation, Executive Order No. 10-1998 stated:

WHEREAS, I subsequently submitted legislation to the Westchester County Board of Legislators for the purpose of creating a new Department of Investigations to be headed by the Inspector General; and

WHEREAS, the Westchester County Board of Legislators voted against the adoption of the proposal for a Department of Investigations and also indicated its disapproval with my Executive Order 7-1998;

NOW THEREFORE, I, ANDREW J. SPANO, County Executive of the County of Westchester, in light of the aforementioned, do hereby repeal and revoke Executive Order No. 7-1998, pending further consideration of this matter and without prejudice to the further use of my investigative powers as authorized by the Westchester County Charter.

The Commission agrees that there is potentially significant value in the creation of an inspector general role for purposes of identifying any waste, fraud, or abuse existing within County government as a means of improving daily operations and making the government more accountable to taxpayers. Therefore, the Commission recommends that the County Executive and BOL further study this matter.

Approved

Research enhancing County pay-to-play rules

Westchester County Legislator Jewel Williams Johnson proposed what she described as strengthening “county-level pay-to-play rules, restricting contracts with vendors making significant political contributions.” In her letter to the Commission, she explained that this proposal “[e]nhances public trust and positions the BOL as a leader in ethics reform.” Sec. 883.214 of the LWC provides, in relevant part, and with a list of exceptions that appear in subsection (d):

- a. No County officer or employee shall solicit, accept or agree to accept any gift, tip or other benefit for having engaged in official conduct which he or she was required or authorized to perform, and for which he or she was not entitled to any special or additional compensation.
- b. No County officer or employee shall accept or receive any gift or other benefit, or multiple gifts or other benefits from the same donor in a 12-month period, having an aggregate value of \$75.00 or more when:
 - (1) The gift or other benefit would reasonably appear to be intended to influence the officer or employee in the exercise or performance of his or her official duties;
 - (2) The gift or other benefit would reasonably be expected to influence the officer or employee in the exercise or performance of his or her official duties; or

- (3) The gift or other benefit would reasonably appear to be intended as a reward for any official action on the part of the officer or employee.
- c. For purposes of this section, the terms “gift”, “tip” and “other benefit” include anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift, tip or other benefit is its fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater.

...

Legislator Williams Johnson acknowledged that the “Law Department should be consulted as to concise wording to prevent free speech issues.” Likewise, the Law Department confirmed that any such proposed legislation would need to be tailored to withstand First Amendment scrutiny. Accordingly, because the Commission agrees with the importance of enhancing public trust in County governmental institutions and elected officials, while protecting First Amendment rights, the original request is modified to state that the County should further research this proposal.

Not Approved

Extend the residency requirement for candidates to be elected to the BOL

Westchester County Legislator James Nolan urged that the Commission recommend the adoption of a “clear and meaningful residency requirement for candidates seeking county office in Westchester.” Specifically, he proposed requiring “residency of at least one year within a legislative district unless it is the first election after redistricting.” Sec. 107.31(3) of the LWC states:

Each County legislator shall be an elector of the County and a resident of the district from which he is elected. A County legislator who ceases to be a resident of such district from which he is elected shall forfeit his office and the same shall be deemed vacant, except as provided in subsection 6 of this section.

In his letter to the Commission, Legislator Nolan asserted: “A reasonable durational residency standard—such as one or more years of continuous residency—would balance openness in the political process with the need for meaningful community ties.” Some Commissioners expressed agreement with Legislator Nolan’s concern over candidates potentially lacking communal ties, but others discussed the possibility of candidates having significant ties to a district despite not actually residing in it prior to serving in office. Some examples mentioned were of a candidate who sends his or her child to school in a neighboring district and a candidate whose social life occurs in a neighboring district, particularly where district lines are on opposite sides of the same street. Most Commissioners feel that the issue of a candidate’s alleged lack of communal ties is one best left to voters in an election.

Not Approved

Allow BOL funding to for-profit, social enterprises

Westchester County Legislator Shanae Williams proposed a law that would expand the kinds of organizations eligible for BOL funding. In her letter to the Commission, she stated: “Currently, funding is restricted to nonprofit organizations. While nonprofits play a vital role in serving our communities, this policy excludes a growing sector of mission-driven entities—social enterprises.” Legislator Williams further reasoned: “Allowing both nonprofits and social enterprises to apply for and receive County Board of Legislators funding would,” among other objectives, “[e]ncourage innovation and sustainable models for community impact.”

While the Law Department did not have access to BOL’s internal policies concerning Member-directed spending, it noted that Art. 8, Sec. 1 of the New York State Constitution expressly forbids counties from giving or loaning “any money or property to or in aid of any individual, or private corporation or association, or private undertaking.” The relevant exception to this general rule occurs when a county makes “such provision for the aid, care and support of the needy as may be authorized by law,” *i.e.*, when the County contracts with an external organization to provide a service to the needy.

It was clear from Legislator Williams’ submission that her proposal contemplated grant-making to for-profit, social enterprises, rather than contracts for those entities to deliver services to the needy. Due primarily to the legal prohibition under state law, the Commission does not support this recommendation.

Not Approved

Prohibit all senior officials nominated by the County Executive from serving until BOL confirmation

Westchester County Legislator Jewel Williams Johnson proposed requiring that “[a]ll senior executive appointments—including commissioners, department heads, agency directors, members of boards and quasi-public entities created by Westchester County, and equivalent senior officials nominated by the County Executive shall require BOL confirmation.” Sec. 110.21 of the LWC states, in relevant part:

The County Executive shall appoint to serve at his pleasure, except as otherwise provided in this act, and subject to confirmation by the County Board, the head or acting head of every department and office, the Chairman of the County Tax Commission and members of county boards and commissions. He may with the approval of the County Board act as head of one or more departments or with like approval appoint one head for two or more departments. Subject to confirmation by the County Board, the County Executive shall appoint a Commissioner of Human Resources as provided in Section 179.21 of this act and a Real Estate Director as provided in Section 170.01 of this act, and may appoint in his own office a Deputy County Executive to assist him in his administrative duties. The County Executive shall also appoint without confirmation by the County Board such other employees of his own office as may be authorized by the County Board.

The Law Department advised that per the 1991 New York State Supreme Court decision in *Berenson v. O’Rourke*, which interpreted Sec. 110.21, the County Executive’s appointees may

begin serving immediately and until such time as their respective confirmations are affirmatively rejected by the BOL. In her letter to the Commission, Legislator Williams Johnson wrote that her proposal would “ensure[] that the County’s top administrative leadership is vetted and endorsed by the legislative branch” while avoiding subjecting “[r]outine civil service hires, internal personnel actions, and temporary staff appointments” to this same process in order “to avoid unnecessary administrative bottlenecks.”

The Commission does not support this request primarily out of concern that a bottleneck in the BOL confirmation process would prevent the County Executive’s appointees from beginning to perform necessary duties to keep County government running optimally. If a nominee is particularly objectionable, the BOL may quickly reject the nomination. The Commission notes, incidentally, that amending Sec. 110.21 to this effect would require a referendum under Sec. 209.161 because the proposal “abolishes, transfers or curtails” the power of the County Executive.

Not Approved

Require BOL confirmation for all County Executive nominations to boards, commissions, and quasi-public entities

Westchester County Legislator Jewel Williams Johnson proposed imposing a BOL confirmation requirement for all County Executive nominations to “independent boards, commissions, and quasi-public entities created by the County,” with exceptions for “[r]outine civil service hires, internal personnel actions, and temporary staff appointments.” Sec. 110.21 of the LWC states, in relevant part:

The County Executive shall appoint to serve at his pleasure, except as otherwise provided in this act, and subject to confirmation by the County Board, the head or acting head of every department and office, the Chairman of the County Tax Commission and members of county boards and commissions.

The Law Department advised that per the 1991 New York State Supreme Court decision in *Berenson v. O’Rourke*, which interpreted Sec. 110.21, the County Executive’s appointees may begin serving immediately and until such time as their respective confirmations are affirmatively rejected by the BOL. In her letter to the Commission, Legislator Williams Johnson explained that this proposal would “guarantee[] legislative oversight of critical decision-making bodies that shape land use, economic development, ethics enforcement, and public health policy” while avoiding subjecting “[r]outine civil service hires, internal personnel actions, and temporary staff appointments” to this same process in order “to avoid unnecessary administrative bottlenecks.”

Counsel advised the Commission that this request would not be legal with respect to certain entities. For example, the BOL makes direct appointments to the Board of Health pursuant to the state Public Health Law. Further, it would be impermissible as to the Westchester County Industrial Development Agency, whose appointment process is likewise governed by state law. Likewise, the bylaws of the Westchester County Local Development Corporation filed with the Secretary of the State of New York, as an entity created pursuant to Sec. 1411 of the state Not-For-Profit Corporation Law, govern the appointment process of the LDC.

The Commission does not recommend this proposal primarily out of concern that a bottleneck in the BOL confirmation process would prevent the County Executive's appointees from beginning to perform necessary duties to keep County government running optimally. If a nominee is particularly objectionable, the BOL may quickly reject the nomination. The Commission notes, incidentally, that amending Sec. 110.21 to this effect would require a referendum under Sec. 209.161 because the proposal "abolishes, transfers or curtails" the power of the County Executive.

Not Approved

Provide that BOL-confirmed appointees can only be removed prior to expiration of their terms for cause, with notice to the BOL containing the grounds for removal

Westchester County Legislator Jewel Williams Johnson proposed amending the LWC to provide that BOL-confirmed appointees can only be removed before expiration of their terms for cause, such as neglect of duty or misconduct, with formal notice to the BOL containing the stated grounds for removal. Sec. 110.31 of the LWC states:

The County Executive, except as herein otherwise provided, may remove or suspend any officer or employee appointed under the authority of the preceding section, provided that in the case of those department heads or members of boards and commissions appointed for a definite term, no removal shall be made until the person to be removed has been served with a written notice of the charges as the basis for his removal and given an opportunity to be heard, publicly if he desires, thereon by the County Executive. The first deputy or other ranking subordinate officer shall in case of such removal become the acting head of the department until a successor has been appointed and has qualified.

The Commission does not recommend this request out of a concern that it would unduly encroach upon the prerogative of the County Executive to make personnel decisions in furtherance of his or her administration's policy objectives. It notes, incidentally, that amending Sec. 110.31 to this effect would require a referendum under Sec. 209.161 because the proposal "abolishes, transfers or curtails" the power of the County Executive.

Not Approved

Require that holdover appointees serving beyond 180 days receive BOL re-confirmation to continue their service

Westchester County Legislator Jewel Williams Johnson proposed requiring that appointees serving in holdover capacities for more than 180 days receive BOL re-confirmation to continue their service. The Law Department advised the Commission that this request would violate New York State Public Officers Law Sec. 5, which provides:

Every officer except a judicial officer, a notary public, a commissioner of deeds and an officer whose term is fixed by the constitution, having duly entered on the duties of his office, shall, unless the office shall terminate or be abolished, hold over and continue to discharge the duties of his office, after the expiration of the term for which he shall have been chosen, until his successor shall be chosen and qualified; but after the expiration of

such term, the office shall be deemed vacant for the purpose of choosing his successor. An officer so holding over for one or more entire terms, shall, for the purpose of choosing his successor, be regarded as having been newly chosen for such terms. An appointment for a term shortened by reason of a predecessor holding over, shall be for the residue of the term only.

Due to the legal prohibition of this proposal under state law, the Commission does not recommend it.

Not Approved

Add a second BOL representative to the Board of Acquisition and Contract

Westchester County Legislator Jewel Williams Johnson proposed adding a second BOL representative to the Board of Acquisition and Contract, asserting that the request “rebalances oversight and gives the Board a more prominent role in how taxpayer dollars are spent.” Sec. 161.01 states, in relevant part: “There shall be a Board of Acquisition and Contract which shall consist of the County Executive, the Budget Director and the Chairman of the County Board.”

The Commission is not persuaded that the current structure of the Board of Acquisition and Contract reflects a structural power imbalance between the Office of the County Executive and the Board of Legislators, as the Budget Director reports to, and is largely accountable to, both branches of County government. The Commission notes, incidentally, that amending Sec. 110.31 to this effect would require a referendum under Sec. 209.161 because the proposal “abolishes, transfers or curtails” the power of the County Executive.

Not Approved

Require the County Executive to deliver the State of the County address in the BOL Chamber

Westchester County Legislator Jewel Williams Johnson proposed requiring the County Executive to deliver the State of the County address in the BOL Chamber. Although there is no provision in the LWC explicitly concerned with the State of the County Address, as a practice, County Executives have delivered such an address pursuant to Sec. 110.11(3) of the LWC. That provision requires the County Executive to “communicate to the County Board, at least once each year, a general statement of the finances, government and affairs of the county with a summary statement of the activities of the several departments and officers of the county.”

The Commission does not support this request out of a concern that designating the physical location of the County Address could, under emergent or unusual circumstances, become impossible or unduly burdensome.

Not Approved

Establish a Legislative Program Evaluation Unit to conduct periodic sunset reviews of major programs and tax expenditures, with mandatory executive responses

Westchester County Legislator Jewel Williams Johnson proposed establishing “a Legislative Program Evaluation Unit to conduct periodic sunset reviews of major programs and tax expenditures, with mandatory executive responses.” Counsel advised the Commission that the BOL currently can require testimony and documents from the County Executive pursuant to its powers to study and investigate the affairs of the County. Specifically, Sec. 107.21(12) states that the BOL shall have the power to:

Investigate the official conduct and the accounts, receipts, disbursements, bills and affairs of any office or officer of the County, or of any office or officer of any special County district or other unit of County government, and make such studies or investigations as it deems to be in the best interests of the County, and for such purposes may subpoena witnesses, administer oaths and require the production of books, papers and other evidence, subject to the exclusive procedure for the issuance of subpoenas by the County Board of Legislators or any of its committees as explicitly set forth in the Rules of the County Board of Legislators. In case any person fails or refuses to obey any such subpoena, he shall be guilty of a misdemeanor, and subject to such penalties as the County Board, by act, may prescribe.

Given the BOL’s existing oversight authority and other powers to check the executive branch, the Commission is not persuaded of the necessity of this proposal.

Not Approved

**Guarantee baseline staffing and professional support for the BOL,
indexed to the County budget or population**

Westchester County Legislator Jewel Williams Johnson proposed amending the LWC to “[g]uarantee baseline staffing and professional support for the BOL (Clerk, Counsel, Budget Office, Constituent/Legislative Services), indexed to the County budget or population.” In her letter to the Commission, she reasoned: “A stronger, well-resourced legislature is better positioned to carry out its oversight and policy functions.”

The Commission is unpersuaded by the explanation provided. It notes Secs. 167.81 and 167.101 of the LWC, both of which describe the existing authority of the BOL to increase appropriations in the budget that the County Executive submits to the BOL. The Commission further notes, incidentally, that enacting Legislator Williams Johnson’s proposal would require a referendum under Sec. 209.161 of the LWC because it “abolishes, transfers or curtails” the powers of the County Executive and BOL in the budget process under Sec. 167.101. Specifically, it would limit the County Executive’s line-item veto authority and the BOL’s authority to make line-item additions and deletions to the budget. Moreover, the Commission is concerned about arbitrarily eliminating the flexibility of County government to reduce the BOL’s budget during times of fiscal stress.

Not Approved

**Impose a two-year “cooling-off” period for former senior executives in County government
who wish to lobby the County**

Westchester County Legislator Jewel Williams Johnson proposed “a two-year cooling-off period” prohibiting former senior executive officials in County government from receiving “compensation for any services on behalf of any person, firm, corporation or association to promote or oppose, directly or indirectly, the passage of bills, resolutions, or contracts with and through the County Government.” In her letter to the Commission, Legislator Williams Johnson explained that her proposal “[e]nhances public trust and positions the BOL as a leader in ethics reform.” According to Sec. 883.207 of the LWC:

1. No County officer or employee shall seek, negotiate, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the County officer or employee, either individually or as a member of a board or commission, while the matter is pending or within the 90 days following final disposition of the matter.
2. No County officer or employee, for a one-year period after serving as a County officer or employee, shall appear before or communicate in any form with the County office, board, department or comparable organizational unit for which he or she served in connection with any case, proceeding, application or other proposed or pending matter, except (i) on behalf of the Federal Government, the State or a political subdivision or instrumentality thereof, or (ii) pursuant to a waiver granted or deemed to be granted in accordance with the procedures set forth at Section 883.402(g).
3. No County officer or employee, at any time after serving as a County officer or employee, shall represent or render services to a private person or organization in connection with any particular matter in which he or she personally and substantially participated while serving as a County officer or employee, except (i) on behalf of the Federal Government, the State or a political subdivision or instrumentality thereof, or (ii) pursuant to a waiver granted or deemed to be granted in accordance with the procedures set forth at Section 883.402(g).

The Law Department advised that any such proposed legislation would need to be tailored to withstand First Amendment scrutiny. While the Commission agrees with the importance of enhancing public trust in County governmental institutions and elected officials, it feels that Sec. 883.207 currently imposes a robust cooling-off period, and further considers the proposed two-year period to not be narrowly tailored to minimize the risk of corruption.

Requests of Individual Members of the Charter Revision Commission

Approved

Require periodic reporting on the capital budget, beginning in year 2028

Charter Revision Commissioner Beth Smayda and Howard Permut jointly proposed that the County require the Budget Director to periodically report on the capital budget, either quarterly or semiannually, to the BOL and County Executive beginning in year 2028. The reporting should include, at a minimum, the schedule of completion and budget for each capital project. Separately, Westchester County Legislator Jewel Williams Johnson submitted an

overlapping proposal to require “post-issuance bond reports and project delivery scorecards to be presented to the BOL,” though her proposal did not specify a timeline for implementation or a schedule for reporting. Commissioner Smayda noted that the proposed requirement would be “similar to Sec. 167.201 of the Charter for periodic financial reporting for the annual budget which was recommended by the last Charter Revision Commission.” Sec. 167.201 of the LWC provides:

On or before May 15 and August 15 of each year, the Budget Director shall issue a report to the County Executive and the Board of Legislators concerning the County’s year-to-date and projected fiscal condition, as of March 31 and June 30, respectively, in relation to the annual budget adopted for that fiscal year. The Budget Director shall publish the reports issued pursuant to this Section on the County’s website. This requirement is in addition to the duties and powers of the Budget Director set forth in any other provision in the Charter.

In approving this proposal, the Commission concludes that it would provide for greater transparency and accountability to County residents, as well as enable the County Executive and BOL to more easily perform their statutory oversight functions.

Approved

Research whether departmental staff should be allowed to approve immaterial changes to public work agreements

Charter Revision Commissioner Howard Permut proposed researching whether the LWC should be amended to allow approval of immaterial changes to public work agreements by departmental staff, a role currently reserved for the Board of Acquisition and Contract. In his letter to the Commission, he explained:

The requirements for the BAC to carry out the above tasks adds a significant amount of time to finishing capital projects as meetings must be scheduled and projects cannot proceed until the requisite meeting is held and action is approved. These approvals also require staff time to prepare for the meetings and the associated production of documents. Eliminating these requirements will reduce the duration of time required to implement the projects while maintaining BAC approval of key issues.

The original request took the form of two proposals, one concerned with the approval of no-cost time extensions and the other concerned with the approval of amendments of small contractual value. But legal research determined that the standard for whether a public work contract must go back out to bid under New York State General Municipal Law Sec. 103 is materiality. According to cases, the materiality standard is highly fact-specific and varies depending on the terms of the original agreement, so it cannot be reduced to a predetermined duration or contractual amount that would apply across all public work agreements.

The Commission understands that immaterial changes to public work contracts may currently be approved in an inefficient manner. However, the Commission is concerned with the potential prohibition under state law of the BOL delegating approval authority to departmental staff, as proposed. It notes, incidentally, that to the extent the existing approval authority of the Board of Acquisition and Contract would be transferred to departmental staff, such an enactment

would require a referendum under Sec. 209.161 of the LWC because it “abolishes, transfers or curtails” the power of the elected members of the Board.

Approved

Research whether departmental staff should be allowed to approve project closeouts for public work agreements

Charter Revision Commissioner Howard Permut proposed researching whether the LWC should be amended to allow approval of project closeouts for public work agreements by departmental staff, a role currently reserved for the Board of Acquisition and Contract. In his letter to the Commission, he explained:

The requirement for the BAC to carry out the above tasks adds a significant amount of time to finishing capital projects as meetings must be scheduled and projects cannot proceed until the requisite meeting is held and action is approved. These approvals also require staff time to prepare for the meetings and the associated production of documents. Eliminating these requirements will reduce the duration of time required to implement the projects while maintaining BAC approval of key issues. Note also that the Bureau of Purchase does not have these requirements.

The Law Department advised that implementation of this housekeeping proposal may be more legally feasible than proposals granting departmental staff the authority to approve contract amendments, but further research would need to be done. The Commission understands that this proposed change may produce efficiencies. However, the proposal’s potential prohibition under state law must be further studied. The Commission further notes, incidentally, that such an enactment may require a referendum under Sec. 209.161 of the LWC if a determination is made that it “abolishes, transfers or curtails” the power of the elected members of the Board of Acquisition and Contract.

Approved

Research codifying fiscal performance goals consistent with best practices from the Government Finance Officers Association, including a fund balance policy

Charter Revision Commissioner Beth Smayda proposed that the County further research adopting “fiscal performance goals consistent with best practices [from the Government Finance Officers Association] and tailored to Westchester County.” This overlapped with a request by Charter Revision Commissioner Eric Morrissey that the County Charter Revision Commission “[a]dopt a formal Fund Balance policy to establish minimum and target levels for unrestricted fund balance within the General Fund. The policy should outline parameters for maintaining adequate reserves, criteria for the use and replenishment of fund balance, and periodic review by the Department of Finance and Board of Legislators.”

Commissioner Smayda reasoned that her proposal would “prevent financial deterioration similar to that leading up to downgrades by all three rating agencies in 2018. The downgrades occurred due to years of imbalanced operations and a dramatic decrease in unrestricted fund balances.”

The Commission agrees with the explanations offered and combines these requests, approving a modified proposal that the County further research adopting fiscal performance goals consistent with best practices from the Government Finance Officers Association, including a fund balance policy, and tailored to Westchester County.

Approved

Research whether the County should create an authority for water and sewer functions

Charter Revision Commissioner Beth Smayda proposed that the County further research creating an authority for water and sewer functions to “provide for more equitable distribution of capital costs, comprehensive strategic planning, and efficient financing.” She went on to write that “over a dozen counties/municipalities [in New York State] now provide water and/or sewer services through authorities. This would also allow water-based fees related to usage, as opposed to relying on the property assessment base.”

Counsel informed the Commission that New York County Law Sec. 250 allows for the BOL to create, and modify, individual water and sewer districts. Sec. 237.111 of the LWC, in turn, expressly provides for the creation and modification of sewer districts:

The County Board, after the creation of a sewer district, may authorize the construction of the sewers and/or treatment plants for such district or for two or more of such districts, which sewers and/or treatment plants, when so constructed therefor, shall be under the charge and control of the [Commissioner of Environmental Facilities], or to the extent appropriate, for the construction, alteration or repair of same, the Commissioner of Public Works & Transportation, each of whom shall have and is hereby vested with the management and control thereof. The assessment of the costs and expenses thereof shall be vested in the County Board, and said sewers shall be maintained and the cost and expenses thereof shall be assessed as in this title provided.

The Commission agrees that the potential for cost savings, more equitable distribution of costs, and better strategic planning justify further research into this proposal.

Approved

Research whether to amend the powers and duties of the Board of Parks, Recreation & Conservation to include the encouragement of equitable access to County recreational facilities by Westchester residents and non-profits

Charter Revision Commissioner Joseph Marchese proposed amending Sec. 134.51 of the LWC, which concerns the powers and duties of the Board of Parks, Recreation & Conservation, to add that a duty of the board shall be to promote equitable access to County recreational facilities by Westchester residents and non-profits. Sec. 134.51 currently provides:

1. To recommend specifications and qualifications which shall be met by prospective nominees for the position of commissioner and to approve the appointment of the commissioner by the County Executive prior to its submission to the County Board;

2. To formulate and make recommendations upon basic policy with respect to the parks, recreation & Conservation programs of the county, including tree preservation as set forth in Chapter 765 of the Laws of Westchester County;
3. To develop and recommend long-range plans for park and open space acquisition and facilities development in conjunction with the commissioner, with the assistance of the Commissioner of Planning and the Planning Board;
4. To approve a capital projects plan which shall be submitted to it by the commissioner annually and which, if so approved, shall be submitted to the Budget Director, the County Planning Department and the Capital Projects Committee in accordance with the provisions of this act;
5. To approve all matters having to do with the regulation, use, fees, and charges with respect to parks and recreation facilities, which matters shall be referred to the board by the commissioner and shall become effective only upon its approval;
6. To make recommendations upon any proposed sale of park lands, as herein defined;
7. In accordance with the provisions of this act, the commissioner shall submit to the board his estimates of receipts and proposed expenditures in connection with the preparation of the annual county budget, prior to submission of such estimates to the Budget Director, and shall set a time for a conference with the board on such estimates which may be the date for a stated monthly meeting. The commissioner shall take into consideration but shall not be bound by the recommendations of the board as to such estimates. The board may submit to the Budget Director any recommendations which the commissioner declines to accept;
8. The board shall meet once each month on a stated date to be selected by the board, and may hold such other meetings as the board may from time to time determine. Six members shall constitute a quorum. Wherever approval by the board is required, a majority of the whole board shall be required. Any member of the board absent for any three consecutive stated or adjourned meetings shall automatically forfeit his or her appointment unless renominated by the County Executive and reconfirmed by the County Board for the unexpired term.

Commissioner Marchese stated that County recreational facilities, including parks, can be difficult to access due to permit fees paid by corporate entities having the potential to price out Westchester residents and non-profits, as well as a reservation system that he said does not prioritize Westchester residents and non-profits. The Commission is persuaded that the goal of more equitable access for Westchester residents and non-profits justifies further research into this proposal.

Requests of Counsel to the Commission

Approved

**Clarify that the term of the Charter Revision Commission shall begin
at the first meeting of the Commission**

Counsel to the Commission, Hon. Mondaire Jones, submitted a proposal to amend Sec. 194.311 of the LWC to clarify that the term of the Charter Revision Commission shall begin at the first meeting of the Commission. According to Sec. 194.311(2), the six-month deadline to fill any Commission vacancies is calculated from “the beginning of the term of the Charter Revision Commission,” but the beginning of the term is not expressly defined. By contrast, Sec. 194.311(7) specifies that the “Commission shall be dissolved on the day following its report [to the BOL] but no later than 18 months from the date of its first meeting, whichever is later.” Defining the beginning of the term as the first meeting of the Commission would align with Sec. 194.311(7) and avoid a potentially absurd outcome where the beginning of the term is calculated from the date by which all 23 members of the Commission were formally appointed, despite the Commission taking an extended period of time to have its first official meeting.

Counsel noted that in the course of the Commission’s tenure, several vacancies occurred, and it would have been helpful to have clarity on this point. The Commission agrees that defining the beginning of the term of the Commission would avoid confusion and tend to increase the efficacy of the Commission’s work by affording it more time to fill vacancies that impact quorum and the substantive quality of the body’s deliberations, which benefit from a range of expertise contributed by individual Commissioners.

Approved

Clarify that an appointing authority may remove his or her appointee to the Charter Revision Commission at the appointing authority’s discretion

Counsel to the Commission, Hon. Mondaire Jones, proposed amending Sec. 194.311 of the LWC to clarify that an appointing authority may remove his or her appointee to the Charter Revision Commission at the appointing authority’s discretion. Sec. 194.311(2) of the LWC expressly outlines certain bases for replacing a member of the Commission, *i.e.*, should “any Commission member resign, die or fail to serve, or become a Westchester County employee or member of the Westchester County Board of Legislators.” Separately, Sec. 194.211, which applies to “all county boards, commissions, committees and councils,” establishes a series of unexcused absences as a basis to remove a member of the Commission.

During the term of the Commission, it may become necessary, to avoid scandal or other embarrassment, for an appointing authority to remove a member of the Commission, but currently the LWC do not explicitly allow for it. Counsel noted, however, that there is New York case law establishing a general rule that “where the power of appointment is conferred in general terms, and without restriction, the power of removal in the discretion and at the will of the appointing power is implied, and always exists, unless restrained and limited by some other provision of law.” *Mack v. Mayor of NYC*, 37 Misc. 371, 374 (Sup. Ct. 1902). The Commission agrees that to avoid confusion and potential litigation, and thus to improve, overall, the daily operations of the Commission, it would be prudent to enact this proposal.

Request of the Department of Budget

Approved

Require the County Executive to hold two public input sessions regarding the County Budget, prior to submitting a budget proposal to the BOL, no later than October 15th

Budget Director Larry Soule requested that the Commission consider adding to the Charter a provision requiring the County Executive to hold two public input sessions before submitting a budget proposal to the BOL. It was further recommended that the two public input sessions be held no later than October 15th. Larry Soule advised the Commission that this proposal would enshrine into law the current, voluntary practice of the County Executive's Office that was established in 2018.

Members of the Commission noted that the public input sessions provide an opportunity for the public to offer direct input into the budget process and have their voices heard. Members also noted that, if allowed to remain a voluntary practice, a future County Executive could easily dispense with the practice. Lastly, BOL staff highlighted that codifying this proposal in the LWC would create parity between the two branches of County government, as the LWC requires the BOL to hold two public input sessions before it can make any changes to the County Executive's budget proposal.

Requests of the Department of Community Mental Health

Approved

Rename the Department of Community Mental Health the "Department of Community Mental Health, Addiction, & Developmental Disabilities Services"

Commissioner Michael Orth, on behalf of the Department of Community Mental Health, proposed renaming his department to the "Department of Community Mental Health, Addiction, & Developmental Disabilities Services." In a submission to the Commission, he reasoned that the "[n]ame of Department does not accurately reflect scope of responsibility and who we serve including individuals with Addiction (substance, alcohol and gambling addiction) and Developmental Disabilities."

Sec. 156.01 of the LWC describes the broad scope of the department's responsibility:

There shall be a Department of Community Mental Health which shall develop all community preventive, rehabilitative, and treatment services offering continuity of care; the department shall have the responsibility to improve and to expand within departmental appropriations existing community programs for individuals with mental illness, intellectual/developmental disabilities, and/or addiction; to plan for the integration of community and state services and facilities for individuals with mental disabilities and to cooperate with other local governments and with the state in the provision of joint services and sharing of manpower resources. The head of the department shall be the Commissioner of Community Mental Health. The Commissioner shall be appointed by the County Executive with the approval of the County Board of Legislators. The Commissioner shall have such other qualifications as may be required by the County Board and the Laws of the State of New York.

The Commission agrees that renaming the department to reflect its portfolio of addiction and developmental disabilities services is important to educate the public about the services available, thereby potentially improving public health.

Approved

Use an alternative for the gendered term “manpower” in Sec. 156.01 of the LWC

While not proposing specific language, Commissioner Michael Orth, on behalf of the Department of Community Mental Health, proposed using an alternative to the gendered term “manpower” in Sec. 156.01 of the LWC. That provision currently states:

There shall be a Department of Community Mental Health which shall develop all community preventive, rehabilitative, and treatment services offering continuity of care; the department shall have the responsibility to improve and to expand within departmental appropriations existing community programs for individuals with mental illness, intellectual/developmental disabilities, and/or addiction; to plan for the integration of community and state services and facilities for individuals with mental disabilities and to cooperate with other local governments and with the state in the provision of joint services and sharing of manpower resources. The head of the department shall be the Commissioner of Community Mental Health. The Commissioner shall be appointed by the County Executive with the approval of the County Board of Legislators. The Commissioner shall have such other qualifications as may be required by the County Board and the Laws of the State of New York.

Sec. 194.301 already provides that “[w]henver words of the masculine or feminine gender appear in any chapter of the Westchester County Charter or Administrative Code or in any law, rule or regulation, unless the sense of the sentence indicates otherwise, they shall be deemed to refer to both male and female persons.” Nevertheless, the Commission recommends this proposal because it supports the idea that words should be gender-neutral in the LWC.

Approved

Repeal Sec. 156.41(6) of the LWC, concerning Westchester County Medical Center

Sec. 156.41(6) of the LWC provides that “The Community Services Board shall have the powers and duties”:

To receive from the budget director about September 10th, but no later than September 15th, the budget of the Department of Psychiatry of the Westchester County Medical Center as proposed by the Commissioner of Hospitals [1] and a copy of the Department of Psychiatry's original budget request. The board may submit to the Budget Director, the County Executive and the County Board of Legislators any recommendations on the budget which it deems appropriate.

In calling for the repeal of this provision, Commissioner Michael Orth, on behalf of the Department of Community Mental Health, explained that Westchester County Medical Center is no longer an entity of County government. To be more precise, in 1997, the state enacted 3307(5) of the Public Authorities Law, which provided that the County Department of Hospitals would be abolished once it transferred its facilities and operations to a public benefit corporation named the Westchester County Health Care Corporation (a/k/a Westchester Medical

Center). The Commission agrees with the department’s rationale for repealing Sec. 156.41(6), noting that the provision is outdated.

Approved

Eliminate references to area mental hygiene councils

Community Mental Health Commissioner Michael Orth proposed eliminating all references in the LWC to area mental hygiene councils. Sec. 156.61(6) of the LWC states, in relevant part:

The duties and responsibilities of the area mental health councils include the following:

- a. To advise the commissioner of existing and prospective needs of the county and local communities thereof for services for the prevention and treatment of mental illness; intellectual/developmental disabilities; and addiction.
- b. To recommend to the commissioner the assignment of priorities for the provision of such services.
- c. To submit recommendations for the provision of such services to the commissioner from time to time.
- d. To review such proposals as may, from time to time, be submitted to the council by the commissioner and to report to the commissioner its comments as to the conformity of the same with approved plans.
- e. To advise the commissioner on such other matters as requested by the commissioner consistent with his lawful powers and duties.

...

In his letter to the Commission, he wrote that the councils were “[d]iscontinued for many years due to redundancy of multiple committees,” and that they were replaced “several years ago” with local and diverse stakeholder planning structures such as Westchester Community Network, Community Coalitions, and a subcommittee of the Westchester Community Services Board. The Commission agrees that the elimination of references to area mental hygiene councils would align the LWC with existing practices and help to avoid confusion.

Request of the Department of Consumer Protection

Approved

Eliminate the Consumer Policy Board

Consumer Protection Director James Maisano proposed eliminating all references to the Consumer Policy Board in the LWC, reasoning that “this Board hasn’t been used in about 40 years, and is unnecessary since our Department has been functioning well without it.” The County Executive supported this proposal. According to the LWC, the Consumer Policy Board consists of only the BOL Chair and County Executive. References to the Consumer Policy Board

are in Secs. 182.11 (“Consumer Policy Board”), 182.31 (“Powers and duties of Consumer Policy Board”), 182.51 (“Powers and duties of the Citizen’s Consumer Advisory Council”), 277.141 (“Consumer Policy Board, consumer affairs, County Director of Consumer Protection, County Sealer of Weights and Measures”), and 277.151 (“Complaints, hearings and appeals”), 277.161 (“Investigations”), and 277.171 (“Enforcement, violations and civil penalties”) of the LWC.

According to Sec. 182.31:

[T]he board shall have the following powers and duties:

1. To assist, advise and cooperate with local, state and federal agencies and officials to protect and promote the interests of county consumers;
2. To evaluate the recommendations of the Consumer Advisory Council with respect to the consumer affairs programs of the county;
3. Subject to the provisions of this chapter and to the provisions of Chapter 277, Article VIII of the Administrative Code, to recommend procedures for governing the manner and method of processing complaints and prosecuting violations of such consumer legislation, including any codification of legislation enacted pursuant to this Charter and/or the Administrative Code relating to consumer affairs (such codification being sometimes referred to in this chapter as the ‘Consumer Code’) as may be necessary or appropriate;
4. To submit to the County Board of Legislators recommendations for amendments to the Consumer Code as, from time to time, may appear necessary or appropriate;
5. To testify before administrative, regulatory and legislative bodies;
6. To refer complaints of violations of the Consumer Code to the Sealer for appropriate action;
7. To appoint hearing officers who shall serve with compensation and shall be either attorneys-at-law or persons with appropriate experience in consumer affairs.

The Commission agrees that it is unnecessary and outdated for the LWC to refer to a board that does not exist in practice and has not existed in decades. Such references also have the potential to confuse readers of the LWC. Due to Sec. 209.161, which requires a referendum when a local law “abolishes, transfers or curtails any power of an elective officer,” this proposal may require a referendum because it arguably abolishes and/or curtails the powers of the BOL Chair and County Executive.

Requests of the Department of Environmental Facilities

Approved

**Amend the definition of Solid Waste, and add a definition of recyclables,
in Sec. 463.11(1) of the LWC**

Environmental Facilities Commissioner Vincent Kopicki proposed amending the definition of Solid Waste in Sec. 463.11(1) of the LWC, asserting that the current definition is both outdated and inaccurate. According to the current definition:

Solid waste shall mean residential, governmental, industrial and/or commercial refuse but shall not include human wastes; rendering wastes; demolition wastes; residue from incinerators or other destructive systems for processing waste, other than now existing individual building incinerators whose residue is presently collected as part of normal municipal collections; junked automobiles or pathological, toxic, explosive, radioactive material or other hazardous wastes which, under any federal, state or local law, rule or regulation, require special handling.

Commissioner Kopicki proposed, instead, the following definition, arguing that “[a]s technology advances, more items have become recyclables and/or able to be safely managed” without the County’s involvement:

Solid Waste shall mean all putrescible and non[-]putrescible materials or substances that are discarded or rejected as being spent, useless, worthless, or in excess to their owners at the time of such discard or rejection, including but not limited to garbage, refuse, commercial waste, rubbish, ashes, incinerator residue, and construction and demolition debris. Solid Waste shall not be understood to include recyclables as defined in this chapter.

Further, because there is no current definition of recyclables in Chapter 463, the Department of Environmental Facilities proposed adding a definition stating, “Recyclables shall have the same meaning found in Chapter 825 of the Laws of Westchester County.” That definition, contained in Sec. 825.30, includes newsprint, high-grade paper, glass, metals, bulk metals, plastics, yard waste, lead-acid vehicular batteries, used motor oil, cardboard, and cartons.

The Commission agrees it is important to clarify that recyclables are not considered solid waste, and to add a definition of recyclables.

Approved

**Include a definition of Department of Environmental Facilities
in Part XIV, Sec. 1 of the LWC**

Environmental Facilities Commissioner Vincent Kopicki submitted a proposal to amend Part XIV, Sec. 1 of the LWC, which lists defined terms in the context of the rules and regulations of the Professional Prequalification and Selection Boards, to include a definition of DEF. While DPW is defined as the Department of Public Works & Transportation, there is no definition for DEF.

The Department of Environmental Facilities is not mentioned anywhere in Part XIV of the LWC. Nonetheless, because DPW is defined, the Commission supports including DEF as a defined term. The Commission notes that this proposal would become moot if the BOL were to eliminate the Professional Prequalification and Selection Boards, as has been recommended by the Commission in this report.

Approved

In instances when a project is estimated to cost between \$20,000 and \$250,000, require that the Board of Acquisition and Contract request an estimate of the cost of a professional contract from the Environmental Facilities Commissioner, rather than the Public Works & Transportation Commissioner, when appropriate

Part XIV, Sec. 4(a) of the LWC provides that, whenever a County department requires professional services estimated to cost between \$20,000 and \$250,000, the Board of Acquisition and Contract shall request an estimate of the cost of a professional contract from the Commissioner of Public Works & Transportation. However, it does not address instances when a contract is to be solely managed by the Department of Environmental Facilities. Thus, Environmental Facilities Commissioner Vincent Kopicki proposed amending Part XIV, Sec. 4 to state that the request should be made of the Environmental Facilities Commissioner, rather than the Commissioner of Public Works & Transportation, “where appropriate.” The Department of Public Works & Transportation did not oppose this request.

The Commission considers this request reasonable in light of the relative expertise of the department in charge of managing a project, as well as the absence of any opposition from the Department of Public Works & Transportation.

Approved

For projects estimated to cost over \$250,000, require that the Environmental Facilities Commissioner co-author the annual report submitted to the County Executive by the Public Works & Transportation Commissioner

For projects estimated to cost over \$250,000, Part XIV, Sec. 3 of the LWC provides:

The Commissioner of Public Works shall prepare an annual report for the previous calendar year by no later than January 31 of each year, which shall be submitted to the County Executive. The annual report shall recite the names of the Professionals who have been the subject of Prequalification and Selection or Accelerated Qualification and Selection and who have been awarded contracts by the County in the previous year under the rules established in Act 5-1976, as amended by Act 22-1992 and as further amended by Act 144-1996. Such report shall also contain a summary of the purpose of each such contract and the maximum amount payable under such contract which has been authorized by the County Board of Acquisition and Contract.

Environmental Facilities Commissioner Vincent Kopicki proposed amending Part XIV, Sec. 3 to require the joint submission of an annual report, with the Department of Environmental Facilities as a co-author alongside the Department of Public Works & Transportation. This would allow the Department of Environmental Facilities to contribute its knowledge for accuracy and comprehensiveness of the report. The Department of Public Works & Transportation did not object to this request.

The Commission concludes that, due to the Department of Environmental Facilities occasionally managing the performance of professional services contracts, it makes sense for the department to be involved in the creation of the annual report.

Approved

Allow the Board of Acquisition and Contract to designate, on an annual basis, the newspaper for public notice of public work bids

Environmental Facilities Commissioner Vincent Kopicki proposed amending Sec. 161.11(3) of the LWC, which, in relevant part, currently states:

Whenever any contract for public work involves the expenditure of more than the dollar amount established by New York State General Municipal Law Section 103(1), the contract shall be awarded to the lowest responsible bidder by sealed bids or proposals, made in compliance with the public notice published at least once in a newspaper published in the county designated by the Board of Acquisition and Contract at least ten days prior to the day on which such sealed bids or proposals are to be opened.

Commissioner Kopicki proposed, instead, “that these actions by [the Board of Acquisition and Contract] need not be done for each and every bid individually, but may be issued annually, by adding: ‘The designation of the publication(s) to be used for bid notices and security to be provided in connection with each bid may be determined by the BAC annually, or in connection with a specific bid.’”

In his letter to the Commission, he reasoned:

The need to obtain Authority to Advertise for each project adds additional, unnecessary work and delay in moving projects. The security tends to be standard for all projects, and the location of the newspaper publication is always the Journal News. Clarifying that the BAC can issue an annual resolution setting forth this information, and possibly including criteria for projects that require specific Authority to Advertise, would save time and streamline the bidding process.

The Commission agrees that it would, without any adverse effect, help improve operational efficiency for the Board of Acquisition and Contract to be able to designate, on an annual basis, the newspaper for public notice of public work bids.

Approved

Allow multiple purchases of commodities and services of \$5,000 or less without competitive bidding, from the same vendor, provided the total amount does not exceed \$5,000 over a 12-month period

Sec. 836.11(7) of the LWC currently provides:

Purchases of \$5,000.00 or less may be made by the Purchasing Agent without competitive bidding. In determining whether a purchase is an expenditure within the threshold amount defined by this subsection, the Purchasing Agent shall reasonably

consider the expected aggregate amount of all purchases of the same commodities and/or services to be made within the twelve month period commencing on the date of purchase, except that purchases of postage supplies from the United States Post Office, minor repairs, including parts to equipment, and such other items where competitive bids are impossible to obtain, shall be excluded from these limitations.

Environmental Facilities Commissioner Vincent Kopicki proposed amending Sec. 836.11(7) to clarify: “Notwithstanding the foregoing, nothing shall limit a contractor or service provider from having more than one agreement pursuant to this section, so long as the total for the same commodities or services is not exceeded.” In his letter to the Commission, he explained that “[t]he current law appears to only restrict these contracts by total commodity or service.”

The Commission concludes that it would eliminate confusion and improve the efficiency of daily operations to adopt the proposal.

Not Approved

Amend Sec. 836.11(5) of the LWC to state that public work contracts below the threshold amount in New York State General Municipal Law Sec. 103(1) should be subject to the same competitive bidding procedures as purchase agreements below the state threshold

Environmental Facilities Commissioner Vincent Kopicki proposed amending Sec. 836.11(5) of the LWC to clarify that public work contracts under the \$35,000 threshold in New York State General Municipal Law Sec. 103(1) are subject to the same County competitive bidding procedures as purchase contracts under their \$20,000 threshold in New York State General Municipal Law Sec. 103(1). Sec. 836.11(5) provides:

Bids on all purchases of materials, supplies, and on all contracts for the purchase or repair of equipment, including the rental, leasing or licensing of equipment that falls under the monthly monetary limit set forth in section 161.11(1)(a) that are between the dollar amount established by New York State General Municipal Law Section 103(1) for publicly bidding purchase contracts and \$5,000.01, may be taken without public advertisement but bids shall be secured, if possible, from at least three bidders separately engaged in the regular business of furnishing supplies, materials, equipment and services of the type and kind required. All such bids received shall be duly considered in awarding the contract.

Commissioner Kopicki asserted that this clarification would ensure “departments use these approved procurement methods to expedite small contracts, as is allowed by state law.” However, the Law Department opposed this request because Act No. 2023-160, which amended the County’s Procurement Policies and Procedures in 2023, already effectuates for public work contracts under \$35,000 what Commissioner Kopicki’s request seeks to accomplish. Specifically, Sec. 5(a) of the Act states:

For a procurement of goods or services reasonably expected to cost \$35,000 or less, the procuring officer shall exercise sound business judgment and shall endeavor, to the extent time permits, to solicit written or oral quotations from no fewer than three persons customarily providing such goods or services and, if deemed appropriate, to inquire as to

the qualifications and experience of such persons. If oral quotations are obtained, the procuring officer shall record the names and addresses of all persons from whom quotations were sought, the names of the individuals submitting quotations, and the date and amount of each quotation.

Due to the existence of Act No. 2023-160, the Commission does not recommend this proposal.

Not Approved

Amend County law to allow performance-based incentives for early completion, and penalties for delinquent completion, of public work contracts

Environmental Facilities Commissioner Vincent Kopicki proposed amending Chapter 161 of the LWC to state that the County may provide performance-based incentives for early completion, and penalties for delinquent completion, of public work contracts. In his letter to the Commission, he reasoned:

Estimated deadlines are sometimes inflated for internal reviews and estimated procurement timeframes. Where a contractor needs less time to perform, an incentive should be provided to ensure the department/County contracts are not set aside while other projects are completed. Scheduling other projects in front of department/ County projects may result in increased material and/or operational costs that could be saved if the contractor is incentivized to expeditiously handle these contracts. Further, unreasonable delays within the control of the contractor should not be permitted and inclusion of penalties would provide a means for the department/County to promote timely performance, as well as have a simple mechanism to collect or offset administrative fines assessed as a result of a contractor delay.

As to the first part of this request, the Law Department advised the Commission that performance-based incentives are prohibited under New York General Municipal Law Sec. 103, whose purpose is to obtain the lowest possible price for the taxpayer. The second part of this request is moot because in April 2025, the County Executive signed the Lowest Responsible Bidder for Public Work Law, which, in addition to setting forth penalties in agreements between the County and contractors for delinquent completion, allows the County to not award projects to such contractors in the future. For the aforementioned reasons, while the Commission agrees with the goals of the Department of Environmental Facilities, it does not recommend this proposal.

Not Approved

Allow the sewer and water districts, and Refuse District No. 1, to engage separate counsel from the Law Department as deemed necessary by the Environmental Facilities Commissioner

Environmental Facilities Commissioner Vincent Kopicki submitted a proposal to amend Sec. 158.21 of the LWC to permit the various County sewer and water districts, and Refuse Disposal District No. 1, to engage separate counsel from the Law Department. Sec. 158.21 states,

“Whenever the County Attorney, under and pursuant to the terms of this act, is required to act as the legal advisor or representative of a special county district, it shall be upon such terms as may be agreed upon by the County Executive and the governing board or body of such district.” In its letter to the Commission, the Department of Environmental Facilities reasoned:

The districts are separate legal entities from the County, operating with separate budgets and, in some instances, requiring State of New York Comptroller approval for bonding. The authorization to commence certain enumerated legal actions would allow expedited proceedings where there has been a breach of contract, ensuring that funds approved by the NYS Comptroller are being properly and timely managed by the district(s). It is noted, that this authorization does not permit settlement of claims against the district(s) without prior authorization. Further, the language clarifies existing law that envisions counsel other than the County Attorney, likely due to the complex and specialized nature of district law and operations of the district facilities. This would allow districts to hire counsel that is familiar with the duties, obligations, laws, and specifics of the districts that they advise.

The Law Department opposed this request. As an initial matter, it is not accurate that the districts are separate legal entities from the County. They are County districts, and if they were to be successfully sued, the County would ultimately be liable. Moreover, the Law Department asserted, it has developed expertise over time through repeatedly representing the districts and has the bandwidth to continue representing the districts.

The Commission is persuaded that the Law Department has the expertise and resources to continue representing the districts, and further notes that Sec. 158.21 does not prohibit the Law Department from engaging outside counsel whenever it determines it needs special expertise or does not have adequate staff.

Not Approved

In instances when a project estimated to cost \$20,000 to \$250,000 is to be solely managed by the Environmental Facilities Commissioner, eliminate the requirement for the Public Works & Transportation Commissioner to receive notification of a County department’s request, sent to the Professional Selection Board, for professional services

Part XIV, Sec. 3(a) of the LWC provides that whenever a County department requires professional services estimated to cost \$20,000 to \$250,000, the department “shall send a request to the [Professional] Selection Board with a copy to the Commissioner of Public Works.” Environmental Facilities Commissioner Vincent Kopicki proposed eliminating the requirement that the Department of Public Works & Transportation receive such notification in those instances “when the project is to be solely managed by the Commissioner of DEF.” The Department of Public Works & Transportation informed counsel to the Commission that it would continue to receive such notification even if Sec. 3(a) were amended to reflect the proposed change.

The Commission concludes that more transparency is preferable to less transparency, and that no material burden is imposed on the Department of Environmental Facilities by the current language. The Commission further notes that this proposal, if adopted, would be moot if the

BOL were to eliminate the Professional Prequalification and Selection Boards, as has been proposed by the County Executive and recommended by the Commission in this report.

Not Approved

In instances when a project estimated to cost over \$250,000 is to be solely managed by the Environmental Facilities Commissioner, eliminate the requirement for the Public Works & Transportation Commissioner to receive notification of a County department's request and draft RFP, sent to the Professional Selection and Prequalification Boards, for professional services

Part XIV, Sec. 2(B)(i) of the LWC provides that whenever a County department requires professional services estimated to cost over \$250,000, the department "shall send both a request for selection of a Professional and a draft RFP as described in B(iii) below to the Chairs of the Selection and Prequalification Boards, with a copy to the Commissioner of Public Works." Environmental Facilities Commissioner Vincent Kopicki proposed eliminating the requirement, located in Secs. 2(B)(i) and (iii), that the Department of Public Works & Transportation receive such notification and draft RFP in those instances "when the project is to be solely managed by the Commissioner of DEF." The Department of Public Works & Transportation informed counsel to the Commission that it would continue to receive such notification even if Secs. 2(B)(i) and (iii) were amended to reflect the proposed changes.

The Commission concludes that more transparency is preferable to less transparency, and that no material burden is imposed on the Department of Environmental Facilities by the current language. The Commission further notes that this proposal, if adopted, would be moot if the BOL were to eliminate the Professional Prequalification and Selection Boards, as has been proposed by the County Executive and recommended by the Commission in this report.

Not Approved

In instances when a project estimated to cost over \$250,000 is to be solely managed by the Environmental Facilities Commissioner, eliminate the requirement for the Professional Selection Board to send a copy of its rejection of the draft RFP to the Public Works & Transportation Commissioner

Part XIV, Sec. 2(B)(iii) of the LWC provides, in relevant part, that whenever the Professional Selection Board rejects a draft RFP submitted by a department head for professional services estimated to cost over \$250,000, the Professional Selection Board must send a copy of its rejection letter to the Public Works & Transportation Commissioner. Environmental Facilities Commissioner Vincent Kopicki proposed eliminating the requirement that the Department of Public Works & Transportation receive a copy of such letter in those instances "when the project is to be solely managed by the Commissioner of DEF."

The Commission concludes that more transparency is preferable to less transparency, and that no material burden is imposed on the Department of Environmental Facilities by the current language. The Commission further notes that this proposal, if adopted, would be moot if the BOL were to eliminate the Professional Prequalification and Selection Boards, as has been proposed by the County Executive and recommended by the Commission in this report.

Not Approved

Allow for a fixed amount, or percentage, of security to be set annually for public work contracts

Environmental Facilities Commissioner Vincent Kopicki proposed amending Sec. 161.11(3) of the LWC to state that a fixed percentage of security, or collateral, should be determined on an annual basis with application to all public work bids. Sec. 161.11(3) states, in relevant part:

The bids or proposals shall be opened publicly in the presence of at least two members of the Board of Acquisition and Contract or their representatives. The successful bidder must give security for the faithful performance of his contract, the adequacy and sufficiency of which shall be approved by the Board of Acquisition and Contract; provided, however, that the Board of Acquisition and Contract may, in its discretion, waive security requirements for contracts which are not in excess of \$15,000.00 in amount.

The Commission does not recommend this proposal because it felt such an approach would eliminate the individualized consideration that each public work contract should receive.

Requests of the Department of Finance

Approved

Amend Sec. 229.31(2) of the LWC with the most recently adopted Policy for Investing and Protecting Public Funds

Finance Commissioner Karin Hablow urged that Sec. 229.31(2), requiring the Finance Commissioner to directly hold securities as collateral, be amended to align with Section IX of the Policy for Investing and Protecting Public Funds, which provides that “[e]ligible securities used for collateralizing deposits for institutions with an approved limit of at least \$500 million may be held at the same bank or trust company that is holding the deposit, provided that before doing so the Commissioner of Finance shall evaluate the financial strength of said same bank or trust company in accordance with the provisions of Section XI.”

Commissioners were advised that the Policy for Investing and Protecting Public Funds, adopted in 2025, reflects the current practice overseen by the Finance Commissioner because it is a more recent legislative enactment. By contrast, Sec. 229.31 of the LWC was adopted in 1948. Commissioners agree that, to avoid confusion, it would be appropriate to update the LWC to align with current practice and controlling law.

Approved

Align monetary thresholds in Sec. 229.41 of the LWC with those found in the County Purchasing Act and Sec. 103(1) of the New York General Municipal Law

Finance Commissioner Karin Hablow requested that the Commission consider a proposal to align the monetary threshold in Sec. 229.41 of the LWC with those found in the more recently enacted, and therefore controlling, Westchester County Purchasing Act (Chapter 836 of the LWC). Currently, Section 229.41 provides that the County Purchasing Agent cannot enter into contracts in excess of \$1,500 except after “publicly advertised competitive bids.” But Chapter 836 of the LWC incorporates Sec. 103(1) of the New York General Municipal Law by reference, establishing what is currently a cap of \$20,000 for the County Purchasing Agent to enter into agreements without publicly advertised competitive bids. The Commission was advised that in 2023, Chapter 836 of the LWC was amended to take advantage of the higher threshold afforded under the General Municipal Law.

The Commission concludes that, where appropriate, aligning the monetary thresholds for competitive bidding throughout the LWC would avoid confusion and promote the efficiency of the County’s daily operations.

Approved

Eliminate the requirement that Local Receivers of Taxes submit annual reports to the County stating the total amount of uncollected state and county tax assessments

The Commission considered a proposal submitted by Finance Commissioner Karin Hablow to amend Sec. 283 of the LWC by removing the requirement that Local Receivers of Taxes submit annual reports to the County stating the total amount of uncollected state and County taxes and assessments. Commissioner Hablow advised that the Department of Finance does not currently receive these reports, and that neither she nor the County Tax Commissioner see value in requiring their submission since state law requires that municipalities make the County whole for any uncollected taxes and assessments. The Commission is persuaded that any benefit of the current requirement is outweighed by the burden involved in preparing and submitting the reports.

Approved

Amend the LWC to provide for electronic approvals and electronic signatures, when applicable, as alternatives to wet signatures

The Commission considered a proposal submitted by Finance Commissioner Karin Hablow to amend the LWC to permit County officials to provide and accept electronic approvals and electronic signatures, when applicable, as alternatives to wet signatures in order “to improve efficiency of operations.” The Commission agrees that the current requirement of a wet signature is unduly burdensome, counterintuitive, and outdated, and notes that this proposal would be a significant step towards modernizing the daily operations of County government.

Requests of the Department of Health

Approved

Replace the word “him” with gender-neutral language throughout Ch. 261 of the LWC

Health Commissioner Sherlita Amler submitted a proposal for the Commission to replace the word “him” throughout Ch. 261 (“Public Health”) of the LWC. Notably, Sec. 194.301

already provides that “[w]henver words of the masculine or feminine gender appear in any chapter of the Westchester County Charter or Administrative Code or in any law, rule or regulation, unless the sense of the sentence indicates otherwise, they shall be deemed to refer to both male and female persons.” Nevertheless, the Commission recommends this proposal because it supports the idea that pronouns should be gender-neutral in the LWC.

Approved

Clarify that a violation of the County Health Code shall be treated as a civil infraction rather than a misdemeanor

Health Commissioner Sherlita Amler proposed amending Sec. 261.41(3) of the LWC to state that a violation of the County Health Code shall be treated as a civil infraction rather than a misdemeanor. That provision currently reads:

Any violation of the County Health Code shall be treated and punished as a misdemeanor. Pecuniary penalties for violation of the county’s health code may be recovered in a civil action before any court in the health district having jurisdiction of civil actions.

The Law Department supported this proposal, noting that violations of the County Health Code are not, in practice, treated as misdemeanors. The Law Department further noted that adopting the proposal would reconcile the first sentence in subsection (3) with the final sentence describing a civil action for pecuniary penalties. The Commission recommends this proposal to clarify existing practice and make the language in Sec. 261.41(3) internally consistent.

Approved

Repeal the authority of the Health Commissioner to supervise the Medical Examiner and make the Medical Examiner report to the County Executive

Health Commissioner Sherlita Amler submitted a proposal to amend Sec. 149.11 of the LWC to repeal the authority of the Health Commissioner to supervise the Medical Examiner’s office. Counsel to the Commission noted that, aside from Sec. 149.11, Sec. 164.01 also provides: “the Medical Examiner’s office shall be under the supervision of the County Commissioner of Health.” Deputy Commissioner Chris Ericson stated in his presentation to the Commission that the Health Commissioner does not, in practice, supervise the Medical Examiner’s office. Further research by the Law Department determined that the BOL enacted this supervisory authority in 1996. According to the Committee Report:

In order for the County to be eligible for New York State aid reimbursement for general public health work, the Medical Examiner and his or her Office must be under the supervision of the County Commissioner of the Department of Health. In addition, the regulations regarding New York State Department of Health aid reimbursement also require that the Medical Examiner and his or her office must be part of the County’s approved health services plan and the funding for the Medical Examiner and his or her Office must be in the County’s Health Department Budget.

However, according to the New York State Association of Counties, in 2011, the state budget shifted the reimbursement for medical examiners from the state Department of Health (“NYSDOH”) to the state Department of Criminal Justice Services, as the state deemed this activity to be a public safety and not a public health function.

The Commission modified the original request to give the County Executive express supervisory authority over the Medical Examiner, which the Office of the County Executive supported. This would preserve accountability for the Office of the Medical Examiner while aligning the LWC with the authority already given to the County Executive in Sec. 164.01 to appoint the Medical Examiner, with BOL approval.

Approved

Rename the County Health Code the County Sanitary Code

Health Commissioner Sherlita Amler proposed renaming the County Health Code the County Sanitary Code. Although Sec. 261.41(1) of the LWC states that the County Sanitary Code “shall hereafter be designated as the County Health Code,” Part XI of the LWC refers to the Westchester County Sanitary Code and references that it shall not be inconsistent with the State Sanitary Code, which is promulgated by the state Public Health Council pursuant to New York State Public Health Law Sec. 225. The Law Department confirmed that the County Health Code is more commonly referred to as the County Sanitary Code in parlance and supported this proposal in order to avoid confusion, particularly given the internal inconsistency in the LWC between the nomenclature used in Sec. 261.41 and Part XI.

The Commission approved this request in order to eliminate the internal inconsistency in the LWC, avoid confusion, and refer to the Sanitary Code in the manner in which it is most commonly described.

Not Approved

Refer to minimum qualifications for the County Health Commissioner as being set by the state Commissioner of Health rather than the state Public Health Council

Health Commissioner Sherlita Amler proposed amending Sec. 149.01 of the LWC to describe the County Health Commissioner’s minimum qualifications as being set by the state Commissioner of Health rather than the state Public Health Council. The Commission does not recommend this proposal because it misunderstands existing law. Per Sec. 225 of the New York State Public Health Law, the state Public Health Council, with the approval of the state Commissioner of Health, establishes the Sanitary Code, which indeed defines minimum qualifications for county health commissioners.

Not Approved

Research whether Sec. 149.31 of the LWC, governing the membership of cities in County Health Districts, should be repealed

Sec. 149.31 (“Effective date in cities”) of the LWC states:

The provisions of this chapter shall not take effect in any city, not already a member of the County Health District when this act becomes effective, until specifically adopted by act of the legislative body of such city approved by referendum of the voters of such city; or, in the City of Mount Vernon or the City of Yonkers or in the City of New Rochelle until specifically adopted by act of the city legislative body and consented to by the respective mayor of each such city. The provisions of the Public Health Law relating to the withdrawal of cities from a County Health District shall continue to be effective within the county.

Health Commissioner Sherlita Amler proposed that the Commission research whether Sec. 149.31 should be repealed “since all cities in Westchester County are already regulated by the Department of Health.” The Commission does not recommend this proposal because the rationale offered overlooks the fact that future cities may come to be incorporated in Westchester County. Moreover, even if Sec. 149.31 were repealed, there would still be an incorporation provision under state law setting forth requirements for cities to join county health districts. Specifically, New York State Public Health Law Sec. 340(1)(a) provides:

The board of supervisors of any county, with the approval of the commissioner shall have power to establish a county or part-county health district and in such event shall appoint a board of health for such county or part-county health district. No city or any part thereof shall be included as a part of any such health district unless the mayor and a majority of the common council of such city or the officials exercising similar powers shall have consented thereto and, in respect of cities having a population of fifty thousand or more, according to the last preceding federal or state census or enumeration, unless a majority of the supervisors representing that part of the county outside such city shall have consented thereto.

Thus, even if implemented, a repeal of Sec. 149.31 would not accomplish the Department of Health’s stated goal.

Not Approved

Thoroughly review the word “district” in Ch. 261 of the LWC and its legal implications

Health Commissioner Sherlita Amler proposed that the Commission undertake a “thorough review of the word ‘district’ and its legal implications,” pointing to its use in Secs. 261.01 and 261.31 of the LWC. Per Sec. 261.01:

The County Health District shall consist of all the towns and villages of the county and such cities as are now or shall hereafter consent to be a part thereof, with the exception of such cities as shall hereafter withdraw from such health district in accordance with the provisions of the Public Health Law, and shall have all the rights, powers and duties provided by the Public Health Law and any other applicable provisions of law.

The Commission does not recommend this proposal because it misunderstands existing law. The term “County Health District” has a specific meaning under New York State Public Health Law, as defined in Sec. 2: “County health district. The term ‘county health district’ means a health district comprising the entire county heretofore or hereafter established.”

Not Approved

Amend Sec. 261.31 of the LWC to eliminate references to the enforcement of laws concerning sewage, the preservation of human life, and the quality of the water supply

Health Commissioner Sherlita Amler proposed the following revisions to Sec. 261.31 of the LWC, asserting that the language in subsection (3) “has been revised so it is current with Public Health missions”:

1. The department shall have jurisdiction to regulate all matters affecting public health in the County Health District.
2. The authority, duties and powers of the department shall extend over the entire district and over the waters adjacent thereto within the jurisdiction of the county and within the quarantine limits as established by law.
3. Unless otherwise provided by law, it shall be the duty of the department to enforce all provisions of law applicable in the area under its jurisdiction, including ~~sewage supervision, for the preservation of human life, for the care, the~~ promotion and protection of health ~~and~~ relative to the necessary ~~state and county~~ sanitary codes ~~supervision of the purity and wholesomeness of the water supply and sources thereof.”~~

The Commission does not recommend this proposal to eliminate references to the Health Department’s enforcement of provisions of law concerning sewage, the preservation of human life, and the quality of the water supply because the rationale offered overlooks the fact that subsection (1) says the Health Department’s jurisdiction extends to “all matters affecting public health,” not just some matters affecting public health. In addition to the fact that the Health Department’s revisions would eliminate references to basic matters of public health that should continue to be within its remit, such references would continue to be found elsewhere in the LWC, such as in Sec. 873.720.

Not Approved

Eliminate the power of the Health Commissioner to refer matters to the Solid Waste Commission

Health Commissioner Sherlita Amler proposed repealing Sec. 261.61a of the LWC, which states:

The County Health Commissioner shall be further empowered, in the course of administering the Public Health Law and the Sanitary Code of the state, the sanitary code of the County health district and any other applicable provisions of law, to refer matters which in the Commissioner’s judgment fall within the jurisdiction of the Westchester County Solid Waste Commission to such Commission for further consideration, inspection and/or action as may be authorized under the Westchester County Solid Waste Licensing Law.

The Health Department asserted that it “no longer has any authority [over] that Commission and it should be removed from any connection to the Department of Health.” The Commission does not recommend this proposal because Sec. 261.61a does not establish authority over the Solid Waste Commission. It merely empowers the Department of Health to refer matters to the Solid Waste Commission for its independent consideration.

Not Approved

Eliminate the requirement that every owner or lessee of a multiple dwelling, or every agent or person controlling such dwelling, file a notice with the Department of Health

Health Commissioner Sherlita Amler submitted a proposal to repeal Sec. 261.61 of the LWC, which states:

Every owner of a multiple dwelling, every lessee of a whole multiple dwelling and every agent or other person having control of such a dwelling, shall file in the Department of Health a notice containing his name, address and a description of the premises in such manner as will enable the department to find the same; and the names, addresses and telephone numbers of those persons who are authorized to act in case of an emergency and who will be available at any time during the day or night.

The Health Department informed the Commission that this statute is not currently being followed. In a follow-up email to counsel to the Commission, Deputy Health Commissioner Chris Ericson explained, in relevant part:

If we needed to find out who a specific building owner is, we would look it up in LexisNexis or call the Building Inspector[']s Office. Building compliance including structural safety, exits, fire, hot and cold running water etc. is all part of the Certificate of Occupancy which is issued by the local municipality (Building Inspector or Code Enforcement). Those agencies would be responsible for making contact with the owner of the building if there was a violation of those and other regulations that are under the New York State Uniform Fire Prevention and Building Code. If there is an issue with a Municipal Water system and there is no water or a disruption of service, the Water Operator is responsible for notifying people who are served by that water system. The Health Department is required to be notified by the Water Operator that there is a water service issue. This Department regularly notifies the residents of Westchester County of specific health concerns, not just those who live in [] multiple dwelling[-]unit buildings. We do this through Press Releases, GeoCode-Red Alerts, Social Media and postings in areas where there may be concerns or public health emergencies.

The Commission is unpersuaded by the Health Department’s rationale and feels strongly that efforts to quickly and effectively respond to any number of public health emergencies justify compliance with Sec. 261.61. While villages, towns, and cities are responsible for enforcing zoning and building codes impacting living conditions in multiple dwellings, the County Health Code establishes, and the Health Department enforces, minimum standards for public health throughout the County.

Requests of the Department of Human Resources

Approved

Allow the Human Resources Commissioner to create new titles, and reallocate funds within existing pay grades to those new titles, without BOL approval

Former Human Resources Commissioner Lisa Denig proposed amending Sec. 179.51 of the LWC to allow the department to create new titles, as needed, and reallocate funds within existing pay grades to those new titles without BOL approval. She explained the need for this authority by citing the following anecdote:

We recently learned that our new Mental Health Clinic would require hiring a Psychiatric Nurse Practitioner. This title has specific job duties and, more importantly, specific certifications that are required for hiring. We do not currently have this title in our appendices and, as such, we needed to create a new one. Although the Board of Legislators had already created budget lines for the clinic, the Department of Community Mental Health needed to onboard this employee quickly and so waiting to present a pay plan amendment to the Board for approval was not an option. Thus, the Department was forced to go out to contract for this particular job. If we had been able to create a new title that had no fiscal impact without the cumbersome process of Board approval, we could have accomplished our goal quickly and efficiently. Make no mistake: exchanging the word ‘classification’ with the word ‘reallocation’ still retains the requirement for Board approval on any title change that involves movement between pay grades and, consequently, a fiscal impact.

While the specific text former Commissioner Denig offered as an amendment to Sec. 179.51 would not accomplish her goals, the Commission agrees it would enhance the efficiency and efficacy of the County’s daily operations to grant the Human Resources Department the authority to create new titles and reallocate funds within existing pay grades to those new titles.

Not Approved

Review all required qualifications specified in the Charter for each commissioner and department head to ensure they are appropriate and not unduly specific

Building off of the County Executive’s proposal to remove the requirement in the LWC that the Commissioners of Environmental Facilities and Public Works & Transportation be professional engineers, former Human Resources Commissioner Lisa Denig urged the Commission to review the qualifications required by the Charter for each commissioner and department head. She advised the Commission that, similar to the professional engineer requirement, there may be “unduly specific” or outdated qualifications required of key County positions that disqualify talented individuals from consideration.

The Commission concludes that the open-ended nature of this request is outside its purview, and that such a review would be better handled by the Department of Human Resources. Additionally, given the timeframe within which the work of the Commission must be completed, the review requested would not be practicable.

Requests of the Department of Information Technology

Approved

Amend Sec. 163.01 of the LWC to reflect centralized oversight of IT resources and procurement by the Department of Information Technology

Chief Information Officer Marguerite Beirne, on behalf of the Department of Information Technology, proposed the following revised language for Sec. 163.01:

Ch. 163, Sec. 163.01. – Department established.

~~There shall be a Department of Information Technology, headed by the Chief information Officer. The Department of Information Technology shall:~~

- ~~1. Have charge and control of the county's data and telecommunications network, computers and equipment including software and maintenance;~~
- ~~2. Have charge and control of duplicating, printing and graphics;"~~
- ~~3. Have charge and control of all support services consisting of, but not limited to, central mail and delivery;~~
- ~~4. Upon the request of any city, town, village, school district or other unit of local government in the county, provide information processing services upon such conditions as may be provided by act of the County Board; and~~
- ~~5. Perform such other duties as may be prescribed by law or required by the County Executive or the County Board.~~

There shall be a Department of Information Technology, headed by the Chief Information Officer, which shall serve as the central authority for all technology planning, procurement, implementation, and management for the County. The Department of Information Technology shall:

1. Have charge, control, and oversight of all County information technology resources, including data and telecommunications networks, servers, computers, cloud infrastructure, radio systems, and associated software, equipment, and maintenance;
2. Review, approve, and coordinate all County purchases, contracts, and projects with an information technology component to ensure compliance with Countywide policies, strategic goals, cybersecurity requirements, and budgetary guidelines;
3. Collaborate with and support all County departments and elected officials — including the County Executive, Board of Legislators, County Clerk, Board of Elections, and, in an advisory capacity, the District Attorney's Office — to identify, plan, and implement technology initiatives that advance the County's mission, improve operational efficiency, and foster innovation;

4. Maintain and manage duplicating, printing, graphics, mail, delivery, and other support services, as well as centralized IT help desk support for County personnel;
5. Provide information technology shared services to cities, towns, villages, school districts, or other local governmental entities within the County, as determined appropriate and subject to the availability of resources and under such terms and conditions as may be established by the County Executive or County Board.
6. Establish and enforce Countywide cybersecurity protocols, data governance frameworks, and technology policies to ensure consistency, security, and regulatory compliance;
7. Have responsibility for the Westchester County Archives and Records Center, the central repository for historical public records and inactive County Departmental records of Westchester County;
8. Coordinate and oversee records retention efforts across all County departments, including the management, preservation, and destruction of records — both paper and electronic — to ensure compliance with applicable laws and best practices; and
9. Perform such other duties as may be prescribed by law or required by the County Executive or the County Board.

In her letter to the Commission, Chief Information Officer Beirne explained:

The revised section formally codifies DoIT as the County’s central technology authority responsible for planning, procurement, implementation, and management of all information systems. This update aligns the Charter with the County’s longstanding IT governance model, ensuring centralized oversight of critical systems, cybersecurity, and digital infrastructure.

The Commission concludes that the proposed revisions would improve operational efficiency through clarifying the department’s role.

Approved

Eliminate implicit reference to the Westchester Access Program and update procedures governing surplus, obsolete, or unusable IT equipment

Chief Information Officer Marguerite Beirne, on behalf of the Department of Information Technology, proposed the following revised language for Sec. 163.11:

Ch. 163, Sec. 163.11 – Surplus, obsolete, or unusable computers and computer equipment.

1. ~~“For purposes of this provision, the phrase ‘needy children or other needy persons’ shall mean those individuals whose income is at or below the federal poverty income guidelines as reported annually by the federal Department of Health and Human Services.~~

- ~~2. For purposes of this provision, the phrase ‘public not for profit organizations’ shall include but not be limited to, public schools, public libraries or community benefit organizations.~~
- ~~3. The Chief Information Officer shall have the power to sell or lease for reasonable consideration any surplus, obsolete, or unusable county computers or computer equipment.~~
- ~~4. a. All surplus, obsolete or unusable county computers or computer equipment, which, in the opinion of the Chief Information Officer, and with the concurrence of the Purchasing Agent, have no economic value to the County in accordance with subdivisions b. or c. below, may be transferred to public not for profit organizations for (a) use by the general public at the facilities of such organizations or (b) distribution to needy children or other need persons in Westchester County. In the event such computers or computer equipment cannot be so transferred, they may be destroyed or otherwise disposed of under the direction of the Chief Information Officer.~~
 - ~~b. To aid in determining the economic value of any surplus, obsolete or unusable county computers or computer equipment, a public auction may be held where such equipment may be sold or leased to highest bidder. In the event that there is no bidder, the equipment shall be deemed not to have any economic value to the county.~~
 - ~~c. When in the opinion of the Chief Information Officer and the Purchasing Agent the expenses incident to any such public auction for surplus, obsolete or unusable county computers or computer equipment would outweigh the proceeds reasonably expected to be gained as a result of such auction, no public auction shall be held and the equipment shall be deemed not to have any economic value to the county.~~
- ~~5. By June 1 and December 1 of each year, the Chief Information Officer shall provide a report to the Board of Legislators and the Purchasing Agent, regarding the transfer, destruction or disposal of any surplus, obsolete or unusable county computers or computer equipment made in accordance with this section of law.~~
 1. All surplus, obsolete, or unusable computers and related equipment under the jurisdiction of the Department of Information Technology shall be managed [and disposed of] in accordance with all applicable federal, state, and County laws, regulations, and policies governing surplus, **obsolete, or unusable** property. The Department shall ensure that disposition practices comply with requirements tied to the original funding source and uphold all standards for security, accountability, and environmental responsibility.

In her letter to the Commission, Chief Information Officer Beirne explained:

The revised section updates and replaces prior language referencing the Westchester Access Program, which is no longer an active County initiative. Because that program

has been discontinued, its provisions are being removed to reflect current organizational practice. The new language instead codifies procedures governing surplus, obsolete, or unusable IT equipment under DoIT's jurisdiction. It ensures secure data destruction, environmentally responsible recycling, and compliance with applicable funding-source and surplus-property regulations, thereby aligning the Charter with existing operational standards and legal requirements.

The Commission modified the proposed revision to Sec. 163.11(1), which can be viewed in redline, and concludes that the entire set of revisions, as modified, would align the LWC with existing practice and help to avoid confusion with respect to the handling of surplus, obsolete, or unusable IT equipment.

Approved

Eliminate all references to the County Records Commission

Chief Information Officer Marguerite Beirne, on behalf of the Department of Information Technology, proposed eliminating all references to the County Records Commission in the LWC, which are located in Chapter 631. In her letter to the Commission, she explained:

[T]his body is no longer active. Oversight and responsibilities previously attributed to the Commission are now fully administered through the Chief Information Officer under the Department of Information Technology, consistent with current County practice and organizational structure.

The Department of Information Technology views the County Records Commission as unnecessary due to this current practice. When asked about the history of the County Records Commission's operations, Chief Information Officer Beirne informed counsel to the Commission that while she does not know why the County Records Commission ceased to exist, "the last set of meeting minutes located are solely drafted, dated September 29, 2009."

The Commission agrees that implementing this proposal would align the LWC with existing practice and help avoid confusion. The Commission was informed that, per Sec. 209.161, the proposed change would likely require a referendum since it "abolishes, transfers or curtails" the power of an elected officer, in this instance both the County Executive and Chair of the BOL, who are members of the County Records Commission according to Sec. 631.71(1).

Requests of the Department of Law

Approved

Clarify that the Board of Legislators shall confirm the appointment of a Deputy County Executive

The Commission considered a proposal submitted by Chief Deputy County Attorney Stacey Dolgin-Kmetz to amend Sec. 110.21 of the LWC to clarify that the County Executive's appointment of a Deputy County Executive shall be confirmed by the BOL. Commissioners were advised that, although not specifically stated, Sec. 110.21 is presently interpreted to require the

BOL's confirmation of a Deputy County Executive. The Office of the County Executive supported this proposal.

The Commission agrees that this proposal is necessary to avoid confusion. The Commission further agrees that the Deputy County Executive position, much like the County commissioners and other department heads whose appointments require BOL confirmation under Sec. 110.21, is a significant enough role to require this procedure.

Approved

Provide that under the County's definition of classified service, exempt employees shall mean all positions designated so by the New York State Civil Service Department

Currently, Sec. 179.41 of the LWC currently states:

All positions in all departments, offices, institutions and agencies of the county shall be in the classified service, except those held by the following: (1) elective officers; (2) heads of departments; (3) members of all boards and commissions and committees, the Medical Examiner, the Commissioner of Jurors and all members, officers and employees of the Board of Elections. The following positions in the classified service shall be included in the exempt class: deputies who are authorized to act generally for and on behalf of their principals; the secretary to any department head; Calendar Clerk; Public Administrator; Commissioner of Human Resources and Assistant District Attorneys. For the purpose of this chapter, unless otherwise expressly stated or unless the context or subject matter otherwise requires, "head of department" shall mean a person, irrespective of title, including but not limited to an administrator, commissioner or director, vested with authority, direction and control over a department, office, agency or other administrative division in the county government, and who has the power and authority to appoint and remove officers and employees therein, and "deputy" shall mean a person, irrespective of title, authorized by law to act generally for and in place of his head of department.

The Commission considered a proposal submitted by Chief Deputy Attorney Stacey Dolgin-Kmetz, on behalf of the Law Department, to amend Sec. 179.41 of the LWC by adding language to indicate that exempt employees include all other positions designated as exempt by the state Civil Service Department. Commissioners were advised that although Sec. 179.41 lists multiple positions as exempt from the County's definition of classified service, this section does not explicitly account for certain additional positions that are designated as exempt by the state Civil Service Department. Nevertheless, the County's practice is to treat those additional positions as exempt.

The Commission agrees that, to avoid confusion, County law should be updated to incorporate, by reference, all of the employees listed as exempt by the New York State Civil Service Department.

Approved

Repeal the requirement that contractors doing business with the County certify adherence to the MacBride Principles

Chief Deputy Attorney Stacey Dolgin-Kmetz, on behalf of the Law Department, submitted a proposal to repeal Chapter 310 of the LWC, which provides that with respect to contracts not required to undergo a competitive bidding process, contractors doing business with the County must execute a certification regarding business dealings in Northern Ireland called the MacBride Principles. The MacBride Principles are a set of nine equal opportunity and affirmative action policies intended to promote employment options for members of underrepresented religious groups in Northern Ireland. Commissioners were advised that there is no other certification like this in the LWC with respect to business dealings with foreign nations, and that this certification requirement adds several pages to the County's already lengthy contracts. Further, Commissioners were advised that the issues the principles aimed to address are no longer the County's focus. Additionally, the County's ability to enforce this provision of law is very limited. It is also unclear that any contractors doing business with the County have any dealings in Northern Ireland.

The Commission agrees with this proposal, notes that there is no other certification like this in the LWC with respect to a foreign nation, and further notes that repealing Sec. 310 would make the County's oft complained-of contracting process less burdensome.

Approved

Allow the Deputy County Executive, at the County Executive's discretion, to act as a member of the Board of Acquisition and Contract in his or her place and stead

Assistant Chief Deputy County Attorney Tami Altschiller, on behalf of the Law Department, submitted a proposal to amend Sec. 161.01 of the LWC, which concerns the creation of the Board of Acquisition and Contract, to provide that the County Executive, at his or her discretion, may allow the Deputy County Executive to act as a member of the Board of Acquisition and Contract in his or her stead. The current provision is silent as to what is permissible when the County Executive is unavailable, while stating that when the BOL Chair is unavailable due to absence from the County or disability, the BOL Vice Chair may serve in the Chair's stead, and that in the event of the unavailability of both the Chair and Vice Chair for the same aforementioned reasons, the Majority Leader of the BOL may serve in their stead.

Elsewhere, Sec. 110.51 states generally that "[d]uring the absence or disability of the County Executive, the Deputy County Executive shall serve as acting County Executive to perform the administrative duties of the County Executive." Current practice, pursuant to an interpretation of Sec. 110.51, is for the Deputy County Executive to replace the County Executive on the Board of Acquisition and Contract when the County Executive is absent or disabled. Enacting the Law Department's proposal would avoid confusion and help to improve the efficiency of the County's daily operations.

The Commission agrees that this proposal, if enacted, would avoid confusion by codifying existing practice into law and improve the efficiency of the County's daily operations by allowing the County Executive to designate the Deputy County Executive for reasons of convenience.

Approved

Reorganize the rules for the prequalification and selection of architects, engineers, and land surveyors by repealing and restating them in a single section of law

Assistant Chief Deputy County Attorney Tami Altschiller, on behalf of the Law Department, proposed reorganizing the several acts describing the rules for the prequalification and selection of architects, engineers, and land surveyors by repealing and restating them comprehensively in a single section of the LWC. Commissioners were advised that the following acts, found throughout the LWC, govern the selection and prequalification of architects, engineers, and land surveyors: Act 22-1922, Act 5-1976, Act 144-1996, Act 94-2012, and Act 166-2020. Despite relating to one another, the various acts are disjointed, confusing, and difficult to piece together.

The Commission concludes that restating the various provisions in a single section of the LWC would avoid confusion and tend to improve the efficiency of the County's daily operations. Further, should the proposal to abolish the Professional Prequalification and Selection Boards become law, this proposal may become moot.

Approved

Amend the County's law on eminent domain to reflect the New York State Eminent Domain Procedure Law

Assistant Chief Deputy County Attorney Tami Altschiller, on behalf of the Law Department, submitted a proposal to amend Sec. 233.21 of the LWC to reflect the New York State Eminent Domain Procedure Law. That provision currently reads:

The County Board may, or shall, when required by law, authorize the acquisition by the county of title to, or any interest in, real property for any purpose, including air rights over real property adjacent to or surrounding the county airport, which air rights acquisition shall at all times be within the limits set by the proper state or federal authority; which title or interest when acquired by purchase, condemnation or otherwise shall vest in the county; and if by condemnation, the proceedings therefor insofar as the same relate to the ascertainment of compensation or damages to be made to the owner or owners of the property, or any interest therein, to be acquired, notwithstanding the provisions of any general, special or local law to the contrary, shall be conducted pursuant to the provisions of this title. Wherever and whenever in any general, special or local law it is provided that property may be acquired "by condemnation" or "by condemnation proceedings" or by similar methods, the county is hereby authorized and empowered to acquire title thereto under the provisions of this title.

The Law Department advised the Commission that the state law preempts Sec. 233.21. This proposal can be enacted through amending Sec. 233.21 to simply incorporate by reference the New York State Eminent Domain Procedure Law. The Commission agrees that the state law's preemption of Sec. 233.21 justifies enacting this proposal.

Approved

Provide Westchester Community College with the same authority to sell, lease, and gift surplus, obsolete, and unused supplies, materials, and equipment as the County

Assistant Chief Deputy County Attorney Tami Altschiller, on behalf of the Law Department, proposed amending Sec. 836.32 of the LWC so that Westchester Community College's ability to sell, lease, and gift surplus, obsolete, and unused supplies, materials, and equipment is the same as what is afforded the County under Sec. 836.31. Currently, Sec. 836.32 is more restrictive. For example, it requires public advertisement for the sale or lease of such items valued in excess of \$1,000.00, whereas Sec. 836.31 states that no public advertisement is necessary for the same items valued in excess of \$3,000.00. Moreover, Sec. 836.31 explicitly grants the County the ability to "gift" surplus, obsolete, and unused supplies, materials, and equipment under a set of specific circumstances, whereas Sec. 836.32 states that the aforementioned items must be "not saleable or leasable" in order to be "disposed of." The Law Department described these discrepancies as oversights when Chapter 836 of the LWC was updated in 2023.

The Commission is persuaded that this proposal, if enacted, would simply have the College follow the same procedures as the County and improve the effectiveness and efficiency of the WCC's daily operations.

Approved

Remove all remaining references to the Department of Hospitals in the LWC

Assistant Chief Deputy County Attorney Tami Altschiller, on behalf of the Law Department, proposed removing all remaining references to the Department of Hospitals (also formerly known as Westchester County Medical Center) that appear in the LWC. In 1997, the state enacted 3307(5) of the Public Authorities Law, which provided that the County Department of Hospitals would be abolished once it transferred its facilities and operations to a public benefit corporation named the Westchester County Health Care Corporation (a/k/a Westchester Medical Center). Sometime after the transfer was complete in 1998, a review of the LWC began in order to eliminate any reference to the Department of Hospitals. However, that review was never completed.

The Commission agrees that since there is no longer a Department of Hospitals, there is no reason for any mention of the abolished entity in the LWC.

Approved

Authorize the County Attorney to commence actions to enforce defense and indemnification agreements, including obtaining coverage from insurance companies, without BOL approval

The Commission considered a request from Assistant Chief Deputy County Attorney Justin Adin, on behalf of the Law Department, to amend the LWC to authorize the County Attorney to commence actions to enforce defense and indemnification provisions agreements, including obtaining coverage from insurance companies. Commissioners were advised that, particularly within the last decade, County contracts have required contractors to be properly insured and to indemnify the County. Currently, Sec. 158.11 requires BOL authorization of any action or proceeding by the County Attorney, unless such action or proceeding is for money judgment in an amount not to exceed \$25,000.00. The Law Department's proposal, if enacted, would enable the County Attorney to commence litigation to enforce defense and

indemnification contractual provisions without the time delays that are typically incident to seeking BOL authorization.

The Commission finds this proposal uncontroversial, and notes that such contracts containing defense and indemnification provisions have already been approved by either the BOL and/or the Board of Acquisition and Contract, which has BOL representation.

Approved

Comprehensively reorganize the LWC

The Commission considered a proposal by Assistant Chief Deputy County Attorney Justin Adin, on behalf of the Law Department, to fully reorganize the LWC, grouping sections together based on their respective County departments and agencies and, where there is not an applicable department or agency, by general subject matter. Commissioners were advised that the LWC are currently organized less by subject matter than by when major sections were originally enacted by the BOL. Part I – Charter was adopted in 1937, Part II – Administration Code was adopted in 1948, and everything after followed a less organized, chronological sequence. Justin Adin informed the Commission that navigating the LWC can be a difficult task, even for the legally trained, because related laws are not necessarily in proximity to one another. He noted, for example, that laws pertaining to the Department of Public Works & Transportation can be found in Chapter 131 (Part I), Chapter 241 (Part II), Chapter 307 (Part III), Chapter 635 (Part IV), Chapter 638 (Part IV), Chapter 642 (Part IV), and Part VI.

The Commission is persuaded that the status quo organization of the LWC creates confusion, and reorganizing the LWC would enhance transparency and enable County residents to better understand the various aspects of County government.

Approved

Align the procedure for the BOL's override of the County Executive's veto of acts with the procedure for overriding the County Executive's veto of local laws

Chief Deputy County Attorney Stacey Dolgin-Kmetz, on behalf of the Law Department, proposed eliminating the discrepancy between the procedures for overriding the County Executive's veto of local laws, as prescribed in Sec. 209.151 of the LWC, and acts, as prescribed in Sec. 107.71. Presently, local laws and acts are deemed vetoed when the County Executive returns a bill to the BOL with a statement in writing containing the County Executive's reasons for disapproval. However, whereas Sec. 209.151 provides that the BOL has 30 days to override such veto of a local law by a two-thirds majority vote, Sec. 107.71 is silent on the period of time the BOL has to override the veto of an act, which also must occur by a two-thirds majority vote. The Law Department explained that this ambiguity, historically, has caused confusion and even been the subject of litigation.

The Commission prefers the procedure established in Sec. 209.151, which clearly defines a reasonable period of time within which the BOL must act to override the County Executive's veto of a local law. The Commission recommends amending the procedure in Sec. 107.71, pertaining to acts, so that it is the same as that in Sec. 209.151. This recommendation is made to

avoid confusion between the two procedures, and because local laws and acts, which both carry the force of law, are insufficiently distinct to justify the existing discrepancy.

Approved

Clarify that, to begin the veto override process, the County Executive’s statements of disapproval of local laws and acts, respectively, can be presented at any next meeting of the BOL

Chief Deputy County Attorney Stacey Dolgin-Kmetz, on behalf of the Law Department, submitted a set of proposals to clarify that, to begin the process by which the BOL may override the County Executive’s veto, at any next meeting of the BOL (*i.e.*, regular, special, or otherwise), the Clerk of the BOL may present the County Executive’s written statement of the reasons for the County Executive’s disapproval of a local law or act. In the case of local laws, Sec. 209.151 of the LWC currently requires that such presentation be made at the “next regular, adjourned or monthly meeting” of the BOL. In the case of acts, Sec. 107.71 is silent as to whether, and, if so, when, the Clerk of the BOL must present the County Executive’s written statement at a meeting of the BOL to commence the veto override process.

The Commission recommends this proposal to improve the efficiency of the County’s daily operations, as well as avoid confusion and potential litigation.

Approved

Adopt the New York State standard for public disclosure of autopsy reports

Chief Deputy County Attorney Stacey Dolgin-Kmetz, on behalf of the Law Department, proposed amending the County’s law providing for the public disclosure of autopsy reports to mirror the standard contained in state law. Sec. 273.181 of the LWC provides that where autopsy records, in the Medical Examiner’s judgment, indicate criminality, it shall be within the discretion of the District Attorney to allow for their inspection by the public. “All other records shall be open to public inspection.” New York State County Law Sec. 677, by contrast, explicitly requires the furnishing of all autopsy reports—including those deemed to contain an indication of criminality—as of right, to “the personal representative, spouse or next of kin of the deceased” upon application. Moreover, the state law provides for the release of such reports, if a court permits, to “any person who is or may be affected in a civil or criminal action by the contents of the record of any investigation, or upon application of any person having a substantial interest therein.” Presently, the net effect of the County’s law, in stating that “[a]ll other records shall be open to public inspection,” is to permit, as of right rather than by application, a much broader category of the public to access what some relatives would view as sensitive information about their loved ones.

The Commission is persuaded that autopsy records are sufficiently sensitive, and that state law provides adequate protection for impacted persons and the public interest, to justify amending the LWC to reflect the state’s standard, which is more restrictive overall.

Approved

Eliminate the requirement that the Law Department

approve contracts “as to substance”

Assistant Chief Deputy County Attorney Tami Altschiller, on behalf of the Law Department, proposed deleting Sec. 161.11(d) of the LWC in its entirety, or changing it to mirror the language in Sec. 158.11(1). Presently, Sec. 161.11(d) provides that “No contract shall be executed on behalf of the county until it has been approved as to substance and as to form by the office of the County Attorney.” The Law Department takes issue with this provision because it views approval as to substance to mean implicit support for a contract’s policy objectives. By contrast, Sec. 158.11(1) merely requires approval as to form and manner of execution.

The Commission shares the Law Department’s concern and recommends eliminating Sec. 161.11(d) in its entirety, as suggested by the Law Department, which would leave Sec. 158.11(1) as the operative law on approval of contracts by the Law Department.

Approved

Increase the authority of the Bureau of Purchase and Supply to rent, lease, and license equipment from a monthly contract limit of \$3,000 to \$10,000

Assistant Chief Deputy County Attorney Tami Altschiller, on behalf of the Law Department, and Environmental Facilities Commissioner Vincent Kopicki submitted separate proposals to amend Sec. 161.11(1)(a) to increase the authority of the Bureau of Purchase and Supply to execute certain kinds of agreements. That provision states:

The authority to execute contracts for the purchase, sale, rental, maintenance or repair of supplies, materials, and equipment and the services incidental thereto is delegated to the Bureau of Purchase and Supply, except that with respect to the Westchester Community College, such authority is delegated to the President of Westchester Community College, or his duly authorized designee, subject to the approval of the Board of Trustees of the Westchester Community College, to be exercised in accordance with the procedures prescribed by law; provided, however, that the authority delegated hereunder shall not extend to contracts for the rental, leasing or licensing of equipment at a rate of \$3,000.00 or more per month.

Notably, this provision refers to the authority to sign agreements, not the process by which agreements are approved. Tami Altschiller observed that increasing the monthly limit from \$3,000 to \$5,000 would align with the spirit of Sec. 836.11(5), which states there does not need to be a public advertising process for the bidding of such agreements under a monthly amount of \$5,000.01. Following consultation with Budget Director Larry Soule, Commissioner Kopicki agreed to lower his initial proposal that the monthly limit be increased to \$50,000 down to \$10,000. (Separately, the Law Department had consulted the Purchasing Agent, who indicated an increase to \$50,000 was unnecessary.) The Law Department did not oppose an increase to \$10,000.

The Commission agrees that the \$3,000 monthly limit is unduly burdensome and should be increased to \$10,000 to improve the daily operations of County government while avoiding the risk of waste and abuse. Accordingly, the Commission recommends this proposal.

Approved

Repeal Chapters 895 and 897 of the LWC, concerning the Playland Commission

Assistant Chief Deputy County Attorney Tami Altschiller, on behalf of the Law Department, submitted a proposal to “consider” repealing Chapters 895 (“Playland Commission Act”) and 897 (“Rules and Regulation”) of the LWC. Commissioners were informed that, while Chapter 895 authorizes the creation of the Playland Commission, the BOL never enacted implementing legislation to form the commission. Following years of litigation with the vendor Standard Amusements, the Department of Parks, Recreation & Conservation, which supported this proposal by the Law Department, currently operates Playland Park. The Commission modified the original request’s “consider” language and voted to approve outright repealing Chapters 895 and 897. This was done to align the LWC with existing practice and eliminate confusion.

Approved

Include Playland in the definition of County “park”

Assistant Chief Deputy County Attorney Tami Altschiller, on behalf of the Law Department, proposed including Playland in the definition of County “park.” Currently, Secs. 134.11 and 249.01 of the LWC each exclude “Playland Park” from their respective definitions of “park.” She noted that it is even more important to include Playland in the definition if Chapters 895 (“Playland Commission Act”) and 897 (“Rules and Regulation”) of the LWC are repealed, as the Law Department has separately proposed and this Commission has separately recommended. The Department of Parks, Recreation & Conservation supported this proposal. These changes would align the LWC with existing practice and eliminate confusion, since, following years of litigation with the vendor Standard Amusements, the department once again operates Playland Park.

Approved

Consider creating an administrative office or department consolidating functions currently handled by administrative law judges and hearing officers across departments and offices

Assistant Chief Deputy County Attorney Justin Adin, on behalf of the Law Department, proposed creating an administrative office or department consolidating functions currently handled by administrative law judges and hearing officers across different County departments and offices. In his letter to the Commission, he explained:

Currently different departments, boards, and commissions have hearing powers, which often require the use of administrative law judges. These ALJs are generally hired by the various departments on an as-needed basis. Hearing Officers are also hired by contract to preside over internal disciplinary proceedings under Civil Service Law Sec. 75. Separately, while the County has the authority to issue various violations (such as traffic infractions, including red light camera violations and school bus stop-arm camera violations), the County cannot adjudicate those, which instead require adjudication by local courts.

It should be considered whether it would make sense for the County to create an administrative office/department that could consolidate these items, including:

- Presiding over all hearings called for through various sections of the [Laws of Westchester County] (such as Consumer Protection, Plumbing Licensing, Electrical Licensing, Human Rights Commission, Solid Waste Commission) and issuing reports and recommendations (“R&Rs”) to the appropriate decision-making body
- Presiding over all disciplinary proceedings (other than arbitration-based ones) and issuing R&Rs to the appropriate appointing authority
- Adjudicating vehicle violations—tickets issued by County police, red-light violations, school bus-arm violations—similar to how NYC does through OATH

We would note that the last item would require state legislative approval, but could be an important consideration into the viability of such an office, as there would be potentially additional revenue to the County, and possible cost savings (for example, in possibly reducing the number of hours County Police spend traveling to/attending court hearings).

Following extensive discussion, and another appearance by Justin Adin to answer follow-up questions, the Commission concludes that the potential to increase the efficiency of the County’s daily operations, improve the overall quality of the administrative law judges and hearing officers, and save the County in expenses, through centralized oversight, management, and selection, was worth further study.

Requests of the Department of Parks, Recreation & Conservation

Approved

**Consolidate Chapters 134, 249, and 765 of the LWC,
concerning the Department of Parks, Recreation & Conservation**

The Department of Parks, Recreation & Conservation proposed a reorganization of the LWC to consolidate provisions relating to the Department of Parks, Recreation & Conservation in Chapters 249 (“Department of Parks, Recreation & Conservation”) and 765 (“Parks, Parkways and Recreational Facilities, Use Of”). First Deputy Commissioner Peter Tartaglia explained that this proposal would improve the ease with which readers can locate governing law concerning the department.

The Commission agrees that consolidating these chapters would improve the user experience navigating the LWC and avoid confusion. At the suggestion of counsel, the Commission modified the request to include Chapter 134 (“Department of Parks, Recreation & Conservation”), which also concerns the department.

Approved

**Increase the authority of the Parks, Recreation & Conservation Commissioner to let,
license, and grant property, land, rights, privileges, and concessions**

from five years and one renewal to 10 years and one renewal

Sec. 249.131(1) of the LWC provides:

To carry out the public purposes as in this chapter provided, the commissioner shall have the right and authority, subject to the approval of the Board of Acquisition and Contract, to let, license or grant to any person or party for terms not exceeding five years with the privilege of one renewal, such building or buildings, structure or structures, land, rights, privileges or concessions in, to and upon any park or parks under his jurisdiction and under such rules, regulations and restrictions as to him shall seem just and proper.

The Department of Parks, Recreation & Conservation proposed increasing the term of years to up to 10 plus one renewal. The County Executive supported this request. In its letter to the Commission, the department explained that “[c]oncessions generally improve county property and require time to amortize cost.”

The Commission agrees that the department would benefit from the flexibility to enter into longer-term agreements due to the need to amortize costs, which would save the County money and improve operational efficiency.

Approved

Relocate reference to management of Washington’s Headquarters from Sec. 209.101(2) of the LWC to Chapter 765

Located inexplicably in Chapter 209 of the LWC, which concerns the County Board, is Sec. 209.101(2), stating:

Management of Washington’s headquarters. Washington’s headquarters in the Town of North Castle heretofore acquired by the County of Westchester shall be under the management and control of the Department of Parks, Recreation & Conservation and shall be subject to such rules and regulations as the Commissioner of Parks, Recreation & Conservation may from time to time adopt.

The website of the Department of Parks, Recreation & Conservation states: “Listed on the National Register of Historic Places, Washington’s Headquarters Museum, also known as the Miller House, is an 18th-century style farmhouse that served as a command post during the Battle of White Plains in 1776.” For coherence and ease of reference, the Department of Parks, Recreation & Conservation proposed relocating this provision to Chapter 765 (“Parks, Parkways and Environmental Facilities, Use Of”).

The Commission agrees that the provision concerning management of Washington’s Headquarters would be better placed in Chapter 765 to avoid confusion and improve the public’s experience navigating the LWC.

Approved

Modernize language relating to the Department of Parks, Recreation & Conservation

First Deputy Commissioner Peter Tartaglia, on behalf of the Department of Parks, Recreation & Conservation, proposed modernizing the language in Chapter 765 of the LWC. In a document sent to the Commission, he wrote that the department “suggests updating for digital age, drones, e-bikes, etc.” and to remove “irrelevance i.e. horse and buggy as mode of transportation.” Likewise, Assistant Chief Deputy County Attorney Tami Altschiller proposed stating that Chapter 765 “needs to be updated as there are references that are out of date or could be stated better.”

Counsel to the Commission observed that Chapters 134 (“Department of Parks, Recreation & Conservation”) and 249 (“Department of Parks, Recreation & Conservation”), and 765 (“Parks, Parkways and Recreational Facilities, Use Of”) each relate to the department, so the Commission broadened the original requests to recommend a review of the LWC to modernize language, as needed, across all three chapters. The Commission is persuaded that this recommendation, if implemented, could help improve the efficacy of governmental operations.

Requests of the Department of Planning

Approved

Clarify that the Commissioners of Public Works & Transportation, Parks, Recreation & Conservation, and Environmental Facilities are each voting members of the County Planning Board

Planning Commissioner Blanca López submitted a proposal to codify the current practice of allowing the Commissioners of Public Works & Transportation, Parks, Recreation & Conservation, and Environmental Facilities to vote in County Planning Board decisions. Sec. 191.11 of the LWC states that the three commissioners are ex-officio members of the 12-person Planning Board, but the provision does not state whether, as ex-officio members, they have voting power. Commissioner Lopez reasoned that this proposal is necessary to clarify any ambiguity and ensure meaningful participation in voting decisions due to the occasional absence of other Planning Board members.

The Commission agrees with the reasoning offered by the Planning Commissioner, recognizing that the confusion is owed to the fact that in some board contexts, ex-officio members are not viewed to have voting authority.

Approved

Amend County law to mirror state law requiring local municipalities to report final actions concerning planning and zoning, and subdivision plats, respectively, to the County Planning Department within 30 days

Planning Commissioner Blanca López proposed adding a provision to the LWC to reflect the existing requirements that local municipalities report final actions concerning planning and zoning, and subdivision plats, under New York General Municipal Law Secs. 239-m and 239-n, respectively, to the County Planning Department within 30 days. In her letter to the Commission,

she asserted that this would “improve the County’s ability to track land use decisions and compile accurate planning data.”

The Commission agrees that this proposal, which simply clarifies existing state law that already binds municipalities, would avoid confusion and has the potential to improve the efficiency of County operations.

Approved

Amend the LWC to require municipalities to refer a complete package of materials for a proposed action concerning planning and zoning, or a subdivision plat, to the County Planning Board, and provide the Planning Board 30 days to respond

Planning Commissioner Blanca López proposed amending County law to require municipalities to refer a complete package of materials for a proposed action concerning planning and zoning, or a subdivision plat, to the County Planning Board. Although New York General Municipal Law Sec. 239-n does not explicitly require this for subdivision plats, Sec. 239-m(c) already does in the case of planning and zoning actions:

The term ‘full statement of such proposed action’ shall mean all materials required by and submitted to the referring body as an application on a proposed action, including a completed environmental assessment form and all other materials required by such referring body in order to make its determination of significance pursuant to the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations. When the proposed action referred is the adoption or amendment of a zoning ordinance or local law, ‘full statement of such proposed action’ shall also include the complete text of the proposed ordinance or local law as well as all existing provisions to be affected thereby, if any, if not already in the possession of the county planning agency or regional planning council. Notwithstanding the foregoing provisions of this paragraph, any referring body may agree with the county planning agency or regional planning council as to what shall constitute a ‘full statement’ for any or all of those proposed actions which said referring body is authorized to act upon.

By contrast, Sec. 277.61 of the LWC only requires that municipalities provide the County Planning Board “notice of any hearing scheduled” relating to a proposed action concerning planning and zoning, or a subdivision plat. Commissioner López wrote that codifying the state law standard requiring the referral of a complete package of materials, and extending it to subdivision plats, would “align with the work that Land Use Planners currently perform.” Moreover, she used the same rationale in her request to increase the period of 10 days for the County Planning Board to respond to the referral of such materials, per Sec. 277.61 of the LWC, to 30 days.

The Commission agrees it is important to codify these existing practices under County law for the sake of avoiding confusion and enhancing transparency.

Approved

Clarify when the powers and duties of the Commissioners of Public Works & Transportation and Planning are shared

Planning Commissioner Blanca López submitted a proposal to clarify instances of shared powers and duties among the Commissioners of Public Works & Transportation and Planning. She cited several authorities and responsibilities in Sec. 241.321 of the LWC, concerning the Commissioner of Public Works & Transportation, that she asserted are shared by the Commissioner of Planning and coordinated among their respective departments. For example, “[Make such] surveys, studies and analyses as may be necessary in the exercise of the powers and the performance of the duties set forth in this article,” “Prepare [] public transportation and transit projects and applications to be presented by appropriate county officials for federal and/or state grants in aid,” and “Prepare, in the name of the department and the county, such reports, maps, analyses, investigations and the like on those matters under this jurisdiction or that will improve or enhance the quality or level of public transportation or transit in the county.” Commissioner López also asserted that Sec. 191.31 of the LWC, concerning the authorities and responsibilities of the Commissioner of Planning, should likewise be amended to clarify when they are shared with the Commissioner of Public Works & Transportation.

The Commission recommends this proposal because it represents a clarification of existing practice and has the potential to improve the efficient operation of County government.

Approved

Increase income eligibility limits for County affordable homeownership program to match standard under state law

Planning Commissioner Blanca López submitted a proposal to codify a set of annual income eligibility criteria for the County’s affordable homeownership developments that she opined, in her letter to the Commission, would “offer consistency with state programs and expand opportunities for moderate-income households to access homeownership.” According to Commissioner López, the County’s current practice is to cap annual household income eligibility for its affordable homeownership developments at 80% of the County Area Median Income (“AMI”). However, under the state Affordable Homeownership Opportunity Program (“AHOP”), annual household income is permitted up to 100% of AMI.

Commissioner López further explained to counsel to the Commission that the County’s affordable homeownership developments are usually paired with AHOP funding, but whenever the Department of Planning wishes to upwardly deviate from its 80% cap, it must appear before the Board of Legislators and obtain permission. To expand the pool of Westchester residents eligible to participate in the County’s affordable homeownership developments and to align with the state’s AHOP, thereby better addressing housing demand, without having to appear before the Board of Legislators each time for an exception, Commissioner López proposed increasing the cap on annual household income for new homeownership developments to 100% of AMI.

The Commission agrees that increasing the income eligibility from 80% to 100% of AMI would expand access to moderate-income residents of the County in need of affordable homeownership.

Not Approved

Eliminate Sec. 712.541 of the LWC, which requires pedestrians to use walkways and pathways provided on County-owned property, and forbids, except in cases of emergency, walking on any drive other than to cross the same at crossings

Planning Commissioner Blanca López proposed eliminating Sec. 712.541 of the LWC, arguing “it conflicts with current pedestrian activity and inconsistent sidewalk connectivity at certain County-owned bus stops and roads.” However, counsel to the Commission noted that to the extent there is no sidewalk connectivity, Sec. 712.541, which only requires use of walkways and pathways where they are actually provided, is therefore not a restraint. Moreover, the Law Department opposed this request due to the exposure to liability that may accrue in the absence of Sec. 712.541.

The Commission shares the Law Department’s concern and declines to recommend this proposal.

Request of the Human Rights Commission

Approved

Include a statement of non-discrimination in the LWC

The County Human Rights Commission, through its Executive Director Tejash Sanchala, proposed adding a statement of non-discrimination to the LWC and submitted specific language to that effect:

Westchester County is committed to eliminating and preventing discrimination and retaliation in all forms prohibited by the robust Westchester County Human Rights Law and Westchester County Fair Housing Law, Chapter 700, Article I and Article II, respectively, of the Laws of Westchester County. As set forth in those laws, enforced by the Westchester County Human Rights Commission and Westchester County Fair Housing Board, Westchester County residents and visitors have a right to equal access to, and enjoyment of, the key areas of life – including employment, housing, public accommodations, and credit lending – free from discrimination. Unlawful discriminatory conduct has no place in Westchester County and these laws will be enforced to the fullest extent possible. The Westchester County Human Rights Commission plays a vital role in protecting the community from unlawful discriminatory conduct.

The Human Rights Commission described the purpose of adding a non-discrimination statement to the LWC as being to affirm the County’s commitment to non-discrimination. It further requested that such statement, “for clarity and consistency, cross-reference to the County’s non-discrimination laws in an evergreen manner.”

The Charter Revision Commission agrees that a statement of non-discrimination is important to add to the LWC for the reason offered, though, while appreciative of the specific language drafted by the Human Rights Commission, found the text to not be comprehensive with respect to covering the various areas of discrimination in daily life. Thus, the recommendation is that the Law Department work with the BOL, the Office of the County Executive, and the Human Rights Commission in drafting a statement addressing this concern.

Approved

Eliminate the requirements that the Environmental Facilities and Public Works & Transportation Commissioners, respectively, be professional engineers

County Executive Ken Jenkins submitted a proposal to the Commission to eliminate the requirements in Sec. 128.01 and Sec. 131.01 that the Environmental Facilities and Public Works & Transportation Commissioners, respectively, be professional engineers. Former Human Resources Commissioner Lisa Denig supported this proposal in a separate submission. County Executive Ken Jenkins asserted that eliminating these requirements would expand the pool of talented individuals qualified to lead the two departments. He noted that such candidates may not be professional engineers, but may have just as much experience, if not more experience, than those candidates who are professional engineers. He further noted that neither New York State, New York City, nor the State of Connecticut impose a professional engineer qualification in their parallel departments.

The Commission agrees that the respective requirements for the Environmental Facilities and Public Works & Transportation Commissioners to be professional engineers, while well intentioned, are unduly burdensome and counterproductive in circumstances where otherwise capable candidates could lead the County departments well.

Approved

Eliminate the Professional Prequalification and Professional Selection Boards

County Executive Ken Jenkins proposed eliminating the Professional Prequalification and Professional Selection Boards, respectively, “on the grounds that they are overly burdensome.” In his letter to the Commission, he elaborated:

While my administration is committed to alleviating the backlog of capital projects left undone by a previous administration, the County finds itself bogged down by outdated and burdensome red tape, and redundant processes. These technicalities cost the County time and money, and impede our ability to rapidly implement new technology or more modern strategies. Improving and modernizing this process will help to move capital projects along[,] saving the County valuable resources.

Sec. 277.101 of the LWC describes the duties of the Professional Prequalification Board, which, per Sec. 277.91, “shall be composed of two architects; two professional engineers; one land surveyor; and one person who shall be either an architect, professional engineer or land surveyor”:

The Prequalification Board shall adopt standards and procedures for the prequalification of interested professionals and assist the Selection Board in selecting qualified professionals for the award of county contracts by the Board of Acquisition and Contract in accordance with rules and procedures enacted by the Board of Legislators pursuant to section 161.31 of the Westchester County Charter.

Sec. 277.121 of the LWC describes the duties of the Professional Selection Board, which, per Sec. 277.111, shall consist of the County Executive, the Deputy Commissioner of Public Works-Engineering, and a floating member:

The Selection Board shall assist the Board of Acquisition and Contract in the selection of professionals deemed qualified by the Prequalification Board for the award of County Contracts in accordance with rules and procedures enacted by the Board of Legislators pursuant to section 161.131 of the Westchester County Charter.

The Professional Prequalification and Selection Boards were created because the County Executive and Board of Legislators wanted to insulate the selection of consultants from bias and a lack of rigor. Resolution No. 187-1975 of the Committee on Legislation, dated September 22, 1975, states in relevant part: “Your Committee agrees with the County Executive that an independent system of selection of these consultants that would be guided by their own professional peers might achieve an increased degree of objectivity and responsibility.”

Then-Director of Operations Joan McDonald explained that were the Professional Prequalification and Selection Boards to be eliminated, the Board of Acquisition and Contract, with the assistance of professionals in the Department of Public Works and Transportation, would adhere to the same rigorous criteria in the hiring of outside professionals for the award of County contracts.

The Commission understands the original goals motivating the creation of the Boards. However, it is persuaded that the recurring experience of the Board of Acquisition and Contract, aided by the expertise of professionals in the Department of Public Works and Transportation, would result in the same outcome of hiring qualified professionals for County contracts, thus cutting unnecessary red tape and creating a faster and more efficient contracting process that will ultimately make County government more responsive to the needs of residents.

Approved

Modernize County boards and commissions

County Executive Ken Jenkins submitted a proposal asking the Commission to “review and update if needed the mission statements” for County boards and commissions “that were established before 2010 and are in need of modernization and reform.” The Commission created a focus group that modified the scope of the original request, making general recommendations as to all County boards and commissions, and making numerous specific recommendations as to the following 13 boards and commissions established prior to 2010: the African American Advisory Board; Agriculture and Farmland Protection Board; Domestic Violence Council; Emergency Medical Services Advisory Board; Fire Advisory Board; Hispanic Advisory Board; Housing Opportunity Commission; Parks, Recreation, & Conservation Board; Planning Board; Police Board; Council for Seniors; Traffic Safety Board; and Youth Board. The recommendations include, but are not limited to, updating mission statements, urging compliance with the state Open Meetings Law, and making the Housing Opportunity Commission a committee of the Planning Board (a request originally made by Planning Commissioner Blanca López, which was then referred to the focus group for deliberation).

The memo containing these and other recommendations are appended to this report, and the Commission adopted them in their entirety, including specific recommendations from the African American Advisory Board that the focus group incorporated by reference in its memo.

Not Approved

Eliminate the requirement that the Board of Acquisition and Contract approve changes to subcontractors for public work contracts

Then-Director of Operations Joan McDonald proposed eliminating the requirement for the Board of Acquisition and Contract to approve changes to subcontractors for public work agreements. In her letter to the Commission, she wrote: “the legal obligation resides with the prime contractor and A&C approval is redundant with approvals provided by [the Department of Public Works & Transportation].”

New York General Municipal Law Sec. 101(5) describes the process that must follow the announcement of the lowest bid by a prime contractor for a public work contract.

After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced, and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection.

The Law Department found no legal authority for the proposition that the Board of Legislators can enact a law providing that, once the Board of Acquisition and Contract has approved an original public work agreement, a department may unilaterally approve subsequent changes in subcontractors. The Law Department cited New York General Municipal Law Sec. 103, providing that public work contracts “shall be awarded by the appropriate officer, board or agency of a political subdivision or of any district therein,” and Chapter 161 of the LWC, creating the Board of Acquisition and Contract that must approve the original agreement, as likely meaning state law requires the Board of Acquisition and Contract to approve any subsequent changes to the same agreement. Given the potential prohibition under state law, the Commission does not recommend this proposal.

Requests of the Office of the District Attorney

Not Approved

Amend the LWC to state that the District Attorney is an independent, elected constitutional officer, with sole and exclusive authority to prosecute violations of criminal law, administer grants awarded to the District Attorney’s Office, and control prosecutorial programming and staffing decisions

District Attorney Susan Cacace proposed that:

The Charter should explicitly state that the District Attorney is an independent, elected constitutional officer, with sole and exclusive authority to prosecute violations of

criminal law, administer grants awarded to the District Attorney's Office, and control prosecutorial programming and staffing decisions.

In her letter to the Commission, the District Attorney explained: "The Charter is silent on the independence of the District Attorney, relying solely on state law (N.Y. Const. art. XIII § 13; County Law § 700)." She asserted that in the absence of enacting her proposal, "the District Attorney's independence may be undermined in interactions with agencies reporting to the Executive or Legislature."

Article 13, Sec. 13(a) of the New York State Constitution provides, in relevant part, that "[i]n each county a district attorney shall be chosen by the electors once in every three or four years as the legislature shall direct." New York State County Law Sec. 700, for its part, describes various powers and duties of county district attorneys. And Sec. 164.81 of the LWC states:

The office of County Judge, Surrogate, Judge of the Family Court, District Attorney and County Clerk are hereby continued as elective officers, with all of the powers and duties conferred or implied by law upon such officers in the county, not inconsistent with the provisions of this act; provided that all such officers shall be governed by the provisions of this act relating to the budget, finance, personnel and purchasing.

In its deliberations, the Commission assessed that the District Attorney's independence is well established and without question, according to state constitutional and statutory law, as well as case law, all of which bind the County. Simultaneously, the District Attorney must operate within the constraints of the County's budgetary and administrative framework, which of course impacts the number of employees in every County governmental office. Therefore, the Commission does not recommend the proposed amendment.

Not Approved

Amend the LWC to provide that once the BOL appropriates funds to the District Attorney's Office, those funds shall be deposited into an account directly under the District Attorney's control

District Attorney Susan Cacace submitted a proposal stating:

The Charter should provide that once the Board of Legislators appropriates funds to the District Attorney's Office, those funds shall be deposited directly into an account under the District Attorney's control. They should not pass through or be held by the County Executive or Department of Finance, except for the ministerial act of transfer.

In her letter to the Commission, the District Attorney asserted: "This ensures that appropriations approved by the Legislature are fully and immediately available to the District Attorney, and that no executive officer may delay, alter, or condition their release." This proposal would require amending Sec. 119.11 of the LWC, which states:

Except as otherwise provided by this act, the Commissioner of Finance shall have and exercise all the powers vested in and perform all the fiscal duties now or hereafter imposed upon the County Comptroller and the County Treasurer. He shall have charge of the administration of the financial affairs of the county, including the collection of all

taxes, assessments, license fees and other revenues due to the county; the custody and safekeeping of all funds belonging to or by law deposited with, distributed to or handled by the county; the disbursement of county funds; the keeping and supervision of all accounts; the supervision of such similar functions of local units of government as may be transferred or entrusted to the county under the provisions of this act or other provisions of law; and such other duties as may be prescribed by law, by the County Executive or the County Board, not inconsistent with the provisions of this act.

This proposal would also require amending Sec. 119.21, which provides, in relevant part:

It shall be the duty of the Commissioner of Finance to:

1. Keep accounts for each item of appropriation made by the County Board so that each such account shall show in detail the appropriations made thereto, the amounts drawn thereon, and the unencumbered balance;
2. Submit to the County Board when required a summary statement of revenues and expenditures detailed as to appropriations and funds in such manner as to show the exact financial condition of the county and of each department and office thereof;
3. Submit once a year, or more often if the County Board requires it, a complete financial statement showing the assets, liabilities and financial condition of the county;
4. Control all county expenditures on the basis of authorized budgetary allotments and report thereon to the several spending departments and offices;
5. Examine, audit and approve all bills, demands or charges against the county, and determine the regularity, legality and correctness of the same;
6. Perform all other duties of County Commissioner of Finance, not inconsistent with the provisions of this act;
7. Perform such other duties, not inconsistent with those enumerated herein, as may be required by the County Executive or the County Board;
8. Collect, receive and have custody of all funds due to the county or payable to the County Department of Finance, but the County Board may, by act or resolution, designate banks or trust companies as official depositories for the funds of the county, subject to such adequate requirement as to security and interest as may be fixed by act or resolution or as provided by law;

...

The Commission does not recommend this proposal because it would deprive Westchester residents of independent oversight of the finances of the District Attorney's Office, and in the process treat the Office differently from the offices of other elected officials in County government.

Not Approved

Establish a dedicated trust account for all grants awarded to the District Attorney's Office, with funds to be used solely at the District Attorney's discretion, and which cannot be used to reduce baseline appropriations except when grant terms expressly allow

District Attorney Susan Cacace urged the Commission to support the following proposal:

The Charter should establish a dedicated trust account for all grants awarded to the District Attorney's Office. Funds would be deposited into this account, used solely at the District Attorney's discretion, and could not be used to reduce baseline County appropriations, except where the terms of a grant expressly allow substitution. This aligns with state law, federal law, and common grant conditions, which prohibit the use of grants to supplant existing local funds except where explicitly intended to do so.

In her letter to the Commission, the District Attorney explained: "While these protections may exist under state and federal regulations, incorporating them into the County Charter will ensure compliance is built into our local governing document and cannot be undermined by future budget practices." This proposal would require amending Sec. 119.11 of the LWC, which states:

Except as otherwise provided by this act, the Commissioner of Finance shall have and exercise all the powers vested in and perform all the fiscal duties now or hereafter imposed upon the County Comptroller and the County Treasurer. He shall have charge of the administration of the financial affairs of the county, including the collection of all taxes, assessments, license fees and other revenues due to the county; the custody and safekeeping of all funds belonging to or by law deposited with, distributed to or handled by the county; the disbursement of county funds; the keeping and supervision of all accounts; the supervision of such similar functions of local units of government as may be transferred or entrusted to the county under the provisions of this act or other provisions of law; and such other duties as may be prescribed by law, by the County Executive or the County Board, not inconsistent with the provisions of this act.

This proposal would also require amending Sec. 119.21, which provides, in relevant part:

It shall be the duty of the Commissioner of Finance to:

1. Keep accounts for each item of appropriation made by the County Board so that each such account shall show in detail the appropriations made thereto, the amounts drawn thereon, and the unencumbered balance;
2. Submit to the County Board when required a summary statement of revenues and expenditures detailed as to appropriations and funds in such manner as to show the exact financial condition of the county and of each department and office thereof;
3. Submit once a year, or more often if the County Board requires it, a complete financial statement showing the assets, liabilities and financial condition of the county;
4. Control all county expenditures on the basis of authorized budgetary allotments and report thereon to the several spending departments and offices;

5. Examine, audit and approve all bills, demands or charges against the county, and determine the regularity, legality and correctness of the same;
6. Perform all other duties of County Commissioner of Finance, not inconsistent with the provisions of this act;
7. Perform such other duties, not inconsistent with those enumerated herein, as may be required by the County Executive or the County Board;
8. Collect, receive and have custody of all funds due to the county or payable to the County Department of Finance, but the County Board may, by act or resolution, designate banks or trust companies as official depositories for the funds of the county, subject to such adequate requirement as to security and interest as may be fixed by act or resolution or as provided by law;

...

The Commission does not recommend this proposal because it would deprive Westchester residents of independent oversight of the finances of the District Attorney's Office, and in the process treat the Office differently from the offices of other elected officials. Moreover, the District Attorney acknowledged that the protection she seeks is already provided under "state law, federal law, and common grant conditions." The Commission notes, incidentally, that enacting this proposal would require a referendum under Sec. 209.161 because it "abolishes, transfers or curtails" the powers of the BOL and County Executive.

Not Approved

Require that appropriations to the District Attorney's Office not fall below the average of the prior two fiscal years, except when comparable reductions are applied across the entire County budget as part of an across-the-board reduction enacted by the BOL

District Attorney Susan Cacace proposed that the LWC "require that appropriations not fall below the average of the prior two fiscal years, except where comparable reductions are applied across the entire County budget as part of an across-the-board reduction enacted by the Board of Legislators." In her letter to the Commission, she reasoned that her proposal is necessary to ensure the District Attorney's budget "remains sufficient to enable the District Attorney's Office to discharge its constitutional and statutory responsibilities. In practice, this means appropriations must keep pace with rising costs over time."

This proposal would require amending Sec. 107.21 of the LWC, which provides, in relevant part:

In pursuance of and in addition to all powers specified in the preceding section, the County Board shall have power, subject to the provisions of this act, to:

1. Create, organize, alter or abolish departments, commissions, boards, bureaus, offices and employments and/or transfer their functions and duties;
2. Exercise all powers of local legislation and administration as provided for counties in Article 9 of the Constitution of the State of New York;

3. Provide by act for the compensation of appointive officers and employees;
 4. Fix the number of deputies, assistants, clerks and other persons to be employed in the several departments, offices and commissions of the County;
 5. Provide for the creation of offices other than those required by the constitution and laws of the state, and by this act;
 6. Provide for officers hereafter created by law or for the allocation of their duties to existing officers;
 7. Provide for the assumption and discharge by County officers of such functions of cities, towns, villages and special districts as may devolve on the County by this act or by contract or by transfer or be conferred otherwise by law;
 8. Fix the amount of all bonds and approve the sureties of all County elective and appointive officers and County employees;
 9. Employ such legal, financial or other technical advisers as may be necessary from time to time, in relation to the performance of any of the functions of County government;
 10. Enact such acts and make such reasonable rules and regulations as may be necessary and proper to carry out the provisions of this act and of general law applicable to the County, and provide for the enforcement of such acts by appropriate penalties;
 11. Make appropriations, levy taxes and, except as otherwise provided by the Local Finance Law, incur indebtedness for the purpose of carrying out any of the powers and duties conferred or imposed on the County or any officer, department, board, commission or other authority thereof, by this act or otherwise by law;
- ...

This proposal would also likely require amending Sec. 110.11(2), which gives the County Executive the discretion to craft, in the first instance, a County budget when it provides: “It shall be the duty of the County Executive . . . [t]o present to the County Board the annual budget in the manner and form hereinafter provided.”

The Commission does not recommend this proposal because it is not necessary to ensure the District Attorney’s Office can discharge its legal duties. Further, the Commission is concerned about arbitrarily eliminating the flexibility of County government to reduce the District Attorney’s Office budget during times of fiscal stress. The Commission notes, incidentally, that enacting this proposal would require a referendum under Sec. 209.161 because it “abolishes, transfers or curtails” the powers of the BOL and County Executive.

Not Approved

Amend the LWC to ensure that no County policy, procedure, or budgetary act may impede the District Attorney’s Office in fulfilling its statutory duties or ethical obligations under the New York Rules of Professional Conduct

District Attorney Susan Cacace submitted a proposal stating:

The Charter should include a provision ensuring that no County policy, procedure, or budgetary act may impede the District Attorney's Office in fulfilling its statutory duties or its ethical obligations under the New York Rules of Professional Conduct, provided that nothing in this provision shall be construed to require expenditures beyond such funding and resources as are allocated in the budget and deemed reasonably necessary to meet those obligations.

The Commission does not recommend this proposal because it is not necessary to ensure the District Attorney's Office can discharge its legal duties. Moreover, enactment of this proposal would risk allowing the Office to disregard County policies and procedures, or the County budget, whenever the District Attorney decides that such policy, procedure, or budget impedes the work of the Office. This would appear to contravene New York County Law Sec. 700, describing the various powers and duties of county district attorneys, as well as Sec. 164.81 of the LWC, which mandates that the powers and duties of the Office of the District Attorney and other elective County officers shall not be inconsistent with the provisions of the law enacted at the formation of the County, and "that all such officers shall be governed by the provisions of this act relating to the budget, finance, personnel and purchasing." The Commission notes, incidentally, that this proposal would require a referendum under Sec. 209.161 because it "abolishes, transfers or curtails" the powers of the BOL and County Executive.

Not Approved

Mandate that the District Attorney serve in an ex-officio capacity, and as chair or co-chair, on County boards and taskforces materially impacting criminal justice policy

District Attorney Susan Cacace proposed the following:

The Charter should mandate that the District Attorney serve ex officio as chair or co-chair of County boards and task forces that materially affect criminal justice policy, including the Reentry Task Force, the Corrections Advisory Board, and the Gun Violence Advisory Board.

Notably, the Westchester County Re-entry Task Force was formed in 2007 as a collaboration between the District Attorney's Office and other departments, agencies, and nonprofit organizations. Moreover, by "Gun Violence Advisory Board," the District Attorney appears to be referring to the Gun Violence Prevention Task Force that County Executive Ken Jenkins created in January 2025. These task forces were created by executive order, not by statute. Accordingly, enacting this proposal would require a referendum under Sec. 209.161 because it "abolishes, transfers or curtails" the powers of the County Executive.

The Commission is supportive of having the District Attorney's Office represented on County boards and commissions impacting criminal justice policy, particularly given the Office's valuable and considerable expertise. However, the Commission feels that, rather than mandating a one-size-fits-all approach to such representation, including to the extent that the District Attorney would be either a chair or co-chair of all such boards and commissions, the most appropriate course of action is for the District Attorney's Office to directly approach the County Executive and BOL to accomplish its goals.

Not Approved

State that the County Attorney may not prosecute probation violations or other criminal proceedings, unless expressly authorized by statute, at the written direction of the District Attorney, or where the District Attorney is disqualified due to a conflict of interest or ethical obligation

District Attorney Susan Cacace submitted the following proposal:

The Charter should make clear that the County Attorney may not prosecute probation violations or other criminal proceedings, unless expressly authorized by statute, at the written direction of the District Attorney, or where the District Attorney is disqualified due to a conflict of interest or ethical obligation.

The Commission concludes that this proposal is unnecessary because the LWC are already clear on these points. Sec. 158.11 states that the County Attorney's Office has jurisdiction over all civil law matters on behalf of the County, and that to the extent it has any criminal jurisdiction whatsoever, it is in the context of violations of probation:

The County Attorney of the County of Westchester when appointed as provided in section 158.01 of this act shall have charge of and conduct all of the civil law business of the County of Westchester and its departments. He shall have charge of and conduct all legal proceedings instituted for and on behalf of or against the county and shall prepare and approve as to form, all leases, deeds and contracts of the county which are to be executed by the county executive or on behalf of the county board, also all contract bonds and/or undertakings executed to the county, and certify that the same are in proper form and properly executed. In addition, the County Attorney shall also have the authority to present criminal proceedings relating to violations of probation to the Courts in conjunction with the Westchester County Probation Department.

Incidentally, the County Attorney's authority to prosecute violations of probation resulted in 2003 from the District Attorney's Office itself declining to prosecute such violations for the stated reason of financial hardship. The Commission does not recommend this proposal for the additional reason that, as of the writing of this report, the subject matter is pending before the BOL.

Requests of Westchester Community College

Approved

Clarify that Westchester Community College is not a department of the County, but rather an institution sponsored by the County

Sec. 164.71 of the LWC states:

The Westchester Community College, established and operated under the appropriate provisions of the Education Law, is hereby continued as a county department. The Board of Trustees of such college, appointed as provided by law, shall have and exercise all the

powers and duties conferred or imposed upon them by law and such other duties as may be prescribed by the County Executive or the County Board.

Despite the language that Westchester Community College “is hereby continued as a county department,” there is no evidence in the College’s legislative history that it ever was a department prior to the codification of Sec. 164.71 in 1960. Westchester Community College disputes that it is a County department, rather than an entity sponsored by the County under state law, and requested the following revised Sec. 164.71, which is language approved by the Law Department:

The Westchester Community College is a community college, created and sponsored by the County of Westchester, and operated under the provisions of New York State Law and any relevant New York State rules and regulations. The College shall be governed by its Board of Trustees, appointed pursuant to New York State Education Law, and shall have and exercise all the powers and duties conferred upon them by law and the regulations of the State University of New York applicable to community colleges.

The Commission agrees that the LWC should be amended to clarify that the College is not a department of the County, but rather a creation of the County and sponsored by the County, subject to statutory and regulatory regimes that are distinct from how County departments are treated under the LWC. State law, for its part, continues to grant the County final approval, as Local Sponsor, over the total budget and contracts of the College. The Commission was further satisfied that the proposed language was vetted by the Law Department.

Approved

Clarify that the County Attorney shall continue to have charge of and conduct all of the civil law business of Westchester Community College

Westchester Community College submitted a proposal to state, in the event the LWC are amended to clarify that the College is not a department of the County, that the County Attorney shall have charge of and conduct all of the civil law business of the College. The College requested the following revised Sec. 158.11 of the LWC, which is language approved by the Law Department:

1. The County Attorney of the County of Westchester when appointed as provided in section 158.01 of this act shall have charge of and conduct all of the civil law business of the County of Westchester, ~~and~~ its departments, ~~and Westchester Community College~~. He shall have charge of and conduct all legal proceedings instituted for and on behalf of or against the county ~~and Westchester Community College~~ and shall prepare and approve as to form, all leases, deeds and contracts of the county ~~and the College~~ which are to be executed by the county executive or on behalf of the county board, also all contract bonds and/or undertakings executed to the county ~~and the College~~, and certify that the same are in proper form and properly executed. In addition, the County Attorney shall also have the authority to present criminal proceedings relating to violations of probation to the Courts in conjunction with the Westchester County Probation Department.

2. The County Attorney shall be legal advisor to the County Board and to each and every board, body, commission or officer of the County of Westchester, and the College, and to each and every employee of the County of Westchester as may be required by section 297.31 of the Westchester County Administrative Code. It shall be the County Attorney's duty to furnish to such county board, body, commission, officer, or employee all such advice and legal assistance as counsel and attorney in and out of court as may be required by them, or either of them. No such officer, employee, board, body, commission, ~~or~~ department of the county, **or Westchester Community College** shall have or employ any attorney or counsel unless specifically authorized to do so by the County Board.

In proposing these revisions, the College offered the following explanation:

The County Attorney represented Westchester Community College in all civil legal matters while the College was described as a department of the County under Section 164.71 of the Laws of Westchester County. The amendment of Section 164.71, which removes the description of the College as a department of the County[,], necessitated a change to Section 158.11 for the County Attorney to continue providing legal representation to the College.

The Commission agrees with the rationale offered for this request, considering that the Law Department has ably represented the College up to this time.

Approved

Clarify the purchasing authority of Westchester Community College under state law

Westchester Community College submitted a proposal to clarify the College's purchasing authority under New York State law. Specifically, the College requested the following revised Sec. 164.73 of the LWC, which is language approved by the Law Department:

The President of ~~the~~ Westchester Community College, or ~~his~~ a duly authorized designee, is hereby empowered to conduct all purchases, sales, rentals, maintenance, or repair of supplies, materials, and equipment and services incidental thereto, as may be necessary or desirable for the operation of the ~~Westchester Community~~ College in accordance with the **applicable** provisions of **New York State Law, including but not limited to**, the General Municipal Law **and the Education Law, along with** the Laws of Westchester County, and **aligned with** the Westchester County Procurement Policy, as they may be amended from time to time. No contract for the purchase, sale, rental, maintenance, or repair of supplies, materials, and equipment on behalf of ~~the~~ Westchester Community College shall be effective unless approved by the Board of Trustees of ~~the~~ Westchester Community College.

The College's Board of Trustees shall adopt and maintain a procurement and purchasing policy consistent with these laws and regulations and shall annually review and approve such policy.

In proposing these revisions, the College offered the following explanation:

The language is made gender-neutral. The College's procurement and purchasing policies must comply with various state laws and regulations and must align with the County's procurement and purchasing policies. However, the College and County policies may not be identical.

Due to the confusion that could result under the current reading of Sec. 164.73, and the vetting of the proposed language by the Law Department, the Commission concludes that it would improve the efficiency of the County's daily operations to clarify that the College's procurement authority is governed by state law in addition to County law.

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