



Budget & Appropriations

BOL Meeting Minutes - Final

Committee Chair: Vedat Gashi

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

Monday, January 24, 2022

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committees on Law & Major Contracts and Health

The County Board will meet pursuant to Chapter 417 of New York State Laws of 2021, allowing public bodies to meet and take action without permitting in-person public access to meetings and authorizes such meetings and public hearings to be held remotely by conference call or similar service, provided the public has the ability to view or listen and that such meetings are recorded and later transcribed. To access the meeting, please visit: <https://westchestercountyny.legistar.com>

With a quorum present, Chair Gashi called the meeting to order at 10:12 AM.

Others in attendance: BOL: James Silverberg, Jill Axelrod and Dayana Gomez; Melanie Montalto FINANCE: Commissioner Ann Marie Berg and FDC Cesar Vargas LAW: John Nonna and Loren Zeitler

Present: Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Nolan and Legislator Williams Johnson

Remote: Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Woodson-Samuels and Borgia

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

Organizational Meeting for the 2022-2023 Legislative Term

1. Set a meeting quorum.
2. Set a voting quorum.
3. Selection of Committee Vice-Chair.
4. Setting a meeting date and time.
5. Other Committee business.

The meeting quorum was set for 4 to open. The voting quorum was set for 6 to vote. Legislator Shimsky was selected to be the Vice-Chair. The meeting date and time will be Monday at 10:00 AM or at the call of the Chair. Chair Gashi constituted the Labor Subcommittee and appointed Legislator David Tubiolo and Legislator Colin Smith to serve as Co-Chairs. The

subcommittee will also include Chairwoman Catherine Borgia, Legislator MaryJane Shimsky, Legislator Tyrae Woodson-Samuels, Legislator Jewel Williams-Johnson, and Minority Whip James Nolan.

With a motion by Legislator Maher and seconded by Legislator Barr the organizational items were approved with a vote of 12-0.

ACT-2022-1 ACT - Fixing Tax Distribution Tables

AN ACT fixing the Tax Distribution Tables for the County General Fund (for County Operating Purposes and for County share of MTA), for the County Water District No. 1, for the Refuse Disposal District No. 1, and for each of the thirteen Sanitary Sewer Districts in the County.

Submitted by: COMMITTEE ON BUDGET & APPROPRIATIONS

B&A Only.

Guests: Commissioner Ann Marie Berg and First Deputy Commissioner Cesar Vargas-Finance

Commissioner Ann Marie Berg and First Deputy Commissioner Cesar Vargas appeared before the Committee to discuss item # 2022-43-ACT-Fixing Tax Distribution Tables and item # 2022-44-ACT-Fixing & Determining Amounts of County Taxes. Commissioner Berg discussed that the budget and tax levy was passed in December and now it is the task of the Tax Commission to apportion the equalization rate to the different municipalities and come with a full value. These rates are then applied to the tax levy. The full amount of the tax levy for 2022 is \$710,674,814. This levy is general fund and all of the districts. Chair Gashi asked to clarify that the equalization rate is not set by the County but that it is set by the State. Commissioner Berg confirmed that yes, that is correct. Legislator Barr asked what impacts this rate? Commissioner Berg responded that the equalization table looks at each municipalities assessment and views it as which municipalities have added assessments in their area, which translates into which municipalities homes are higher in value in that particular year. So it is the change in value of the assessment role for that year and as the prices of the homes escalates, it tweaks up the amount of their share of the County's levy.

On motion of Maher, seconded by Barr, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson, Legislator Woodson-Samuels and Borgia

ACT-2022-2 ACT - Fixing & Determining Amounts of County Taxes

AN ACT fixing and determining the amounts of: County General Fund taxes (for County Operating Purposes and for County share of MTA); the special District Taxes; and other charges against the various towns and cities in the County of Westchester; and levying such apportioned amounts for the purposes therein set forth against such towns and cities.

Submitted by: COMMITTEE ON BUDGET & APPROPRIATIONS

B&A Only.

Guests: Commissioner Ann Marie Berg and First Deputy Commissioner Cesar Vargas-Finance

Please refer to item #1.

On motion of Maher, seconded by Barr, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson, Legislator Woodson-Samuels and Borgia

ACT-2022-3 ACT - Opioid (Allergan) Settlement

AN ACT authorizing the County of Westchester to settle the claims against Allergan and its subsidiaries in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled The County of Westchester v. Purdue Pharma, et al, Index No. 51606/2018, and then transferred to the coordinated proceeding before Judge Garguilo in the Supreme Court of the State of New York, Suffolk County (the "Instant Proceeding").

Submitted by: COMMITTEES ON BUDGET & APPROPRIATIONS, LAW & MAJOR CONTRACTS AND HEALTH

Joint with LMC & Health.

Guests: County Attorney John Nonna and Senior Assistant County Attorney Loren Zeitler-LAW

Mr. Nonna advised that they have a deadline of February 4th to decide if the County is going to participate in the settlement to get a share of the proceeds. He noted that this is the third settlement before the Board, the other two were for New York cases against Johnson & Johnson and the three major distributors of opioids. Ms. Zeitler advised that the matter was settled on December 9th, 2021, right before closing arguments. Allergan agreed to pay \$200 million. The County will receive \$1.841 million in mid-2022 as a one-time payment. Legislator Maher asked if there is any significant difference between this settlement and the two previously approved other than the length of time for the payout. Ms. Zeitler said in this case, the counties are getting a larger percentage of the settlements. Legislator Maher asked if the injunctive relief prevents marketing efforts, including incentives to sales force. Ms. Zeitler said it does for the next 10 years.

Legislator Maher asked if the same three parties (Nassau, Suffolk and New York State) negotiated this settlement as well as the previous settlement. Ms. Zeitler said yes, that Nassau and Suffolk counties who were the bellweather plaintiffs, so they get money separate from this. He asked if attorneys' fees are a separate item, and Ms. Zeitler said that comes from a separate fund.

Legislator Maher asked what the resolutions are against other defendants. Ms. Zeitler said Teva, the last defendant in the New York case, was found liable last month and a damages trial will be proceeding. They have appealed the liability issue. Mr. Nonna said the Purdue settlement is also pending appeal.

Legislator Shimsky asked if there is any foreseeable risk that any of this could be complicated by bankruptcy proceedings. Mr. Nonna said no because if the companies settling were at risk

of going into bankruptcy, they would have declared bankruptcy to avoid these payments. Legislator Shimsky asked if the public nuisance theory of liability was used here. Mr. Nonna said it was, and that is why Teva was found liable. Legislator Shimsky noted that some states have found that public nuisance theory is not applicable, and asked if accepting the settlement shields us from the uncertainties about the future. Mr. Nonna said yes, and noted that it is a state law issue, so what happens in New York might not necessarily apply to what happens in another state.

On motion of Maher, seconded by Barr, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson, Legislator Woodson-Samuels and Borgia

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Maher, seconded by Barr, the Committee adjourned at 10:50 AM.