

Law & Major Contracts

BOL Meeting Minutes - Published Draft



Committee Chair: Damon Maher

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

Monday, April 3, 2023

10:00 AM

Committee Room

CALL TO ORDER

Joint with Budget & Appropriations committee.

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Chairwoman Catherine Borgia will be participating remotely from Clear View School and Day Treatment Center, 480 Albany Post Road, Briarcliff, NY 10510.

Legislator Catherine Parker will be participating remotely from 96 Purchase Street, Rye, NY 10583.

Committee Chairman Damon Maher will be participating remotely from Joe Coffee, 10 Lecount Place, New Rochelle, NY 10801.

With a quorum present, Chair Maher called the meeting to order at 10:14 a.m.

Others in Attendance: GUESTS: BOL: Legislators: Jewel Williams Johnson, Tyrae Woodson-Samuels, David Tubiolo, Chris Johnson, Erika Pierce, Terry Clements, and Ben Boykin; Committee Coordinators: Jill Axelrod and James Silverberg; Marcello Figueroa; Law Dept.: John Nonna

Present: Committee Chair Maher, Legislator Barr, Committee Vice-Chair Gashi, Legislator Imamura and Legislator Smith

Remote: Legislator Borgia and Legislator Parker

MINUTES APPROVAL

Monday, March 27, 2023 at 10:00 a.m.

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

Aye: Committee Chair Maher, Legislator Barr, Legislator Borgia, Committee Vice-Chair Gashi, Legislator Imamura, Legislator Parker and Legislator Smith

I. ITEMS FOR DISCUSSION

Guest: Law Dept.: County Attorney John Nonna

2023-126

ACT - Enter into Agreement with Cuti Hecker Wang LLP re: Guzman v. Westchester County

Mr. Nonna advised that the County, the County Executive, various legislators, and the Board of Legislators were sued in a lawsuit challenging the redistricting maps that the BOL enacted and the County Executive signed last year. They chose the firm of Cuti Hecker Wang as outside counsel because they have extensive experience litigating redistricting cases.

He stressed that the firm will be representing all the defendants except for Legislator Nolan and Legislator Cunzio. Mr. Nonna said that on September 2022, he received a request from Legislator Nolan for the County Attorney to represent him or retain counsel so he could sue the County as a plaintiff. Mr. Nonna responded that he could not represent Legislator Nolan as a plaintiff taking a position against the County. Legislator Nolan sent another letter on January 17, 2023 reiterating his request, and Mr. Nonna again responded that he could not retain counsel for an individual legislator to sue the County for his or her own interest. In March 2023, the lawsuit was filed naming Legislators Nolan and Cunzio as defendants. They both sent Mr. Nonna a letter saying they were in "agreeance" with the plaintiffs, and asking the County Attorney to retain a law firm to represent them. Mr. Nonna also received a letter from a law firm saying they would like to represent Legislators Nolan and Cunzio, but they would not take the same position as the County. In response, on March 21st, Mr. Nonna sent a letter to the legislators advising that he could not retain counsel for them because under the County Charter, he can only provide a defense if the elected official provides their "full cooperation in defense of any action or proceeding against the County." Legislators Nolan and Cunzio have clearly stated that they are not providing full cooperation, and are in fact taking a position against the County.

On March 27th, Mr. Nonna received a letter from Legislators Nolan and Cunzio asking him to file an answer and cross-petition against the County. They asked him to follow the law and threatened to file a grievance against him as a lawyer. On March 28th, he responded that he is following the law, and cited the relevant provisions of the law and supporting case law as to why he could not represent them or pay for their counsel.

Mr. Nonna said that both Commissioners of the Board of Elections are on the side of the County in supporting the redistricting maps.

On motion of Legislator Imamura, seconded by Legislator Smith, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

Aye: Committee Chair Maher, Legislator Barr, Legislator Borgia, Committee Vice-Chair Gashi, Legislator Imamura, Legislator Parker and Legislator Smith

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Committee Vice-Chair Gashi, seconded by Legislator Imamura, the Committee adjourned at 10:30 a.m. by the following vote:

Aye: Committee Chair Maher, Legislator Barr, Legislator Borgia, Committee Vice-Chair Gashi, Legislator Imamura, Legislator Parker and Legislator Smith

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