



# Legislation

## BOL Meeting Minutes - Published Draft

Committee Chair: Kitley Covill

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

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Monday, July 12, 2021

1:00 PM

Committee Room

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### CALL TO ORDER

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

*With a quorum present, Chair Covill called the meeting to order at 1:10 p.m.*

*Others in attendance: BOL: Legislators: Chris Johnson, Tyrae Woodson-Samuels, Terry Clements, Jose Alvarado, and David Tubiolo; Remote: Legislator Ruth Walters; Committee Coordinators Jill Axelrod and Anand Singh; Melanie Montalto, Lisa Hochman, and Amy Vele  
LAW: John Nonna, Stacey Dolgin-Kmetz, Jason Whitehead, and Shawna MacLeod; Tejash Sanchala, Valerie Daniele, William Schrag, Karen Rosenfeld, and Pam Goldstein; Remote: Hanade Sarar, Rachel Simon, Joshua Levin and Sammi Shah*

**Present:** Committee Chair Covill, Legislator Barr, Legislator Boykin, Legislator Gashi, Legislator Shimsky and Legislator Smith

**Absent:** Committee Vice-Chair Borgia and Legislator Williams

### MINUTES APPROVAL

June 28, 2021 at 1:00 p.m.

On motion of Legislator Boykin, seconded by Committee Chair Covill, the minutes were approved. The motion carried unanimously.

June 29, 2021 at 10:00 a.m.

On motion of Legislator Shimsky, seconded by Legislator Barr, the minutes were approved. The motion carried unanimously.

June 29, 2021 at 1:00 p.m.

On motion of Legislator Barr, seconded by Legislator Shimsky, the minutes were approved. The motion carried unanimously.

### I. ITEMS FOR DISCUSSION

#### 1. [RES-2021-130](#) PH-Discriminatory Harassment Law

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to Discriminatory Harassment." [Public Hearing set for September 20, 2021 at 7:30 p.m.]. LOCAL LAW INTRO: 2021-373.

**Submitted by COMMITTEES ON LEGISLATION AND SOCIAL SERVICES**

Joint with Social Services committee

Guests: Chief Deputy County Attorney Stacey Dolgin-Kmetz, Senior Assistant County Attorney Jason Whitehead; Human Rights Commission Executive Director Tejash Sanchala and Deputy Director Valerie Daniele; William Schrag, President, Westchester Jewish Council; Christopher Oldi, Chair, LGBTQ Advisory Board; and Hanade Sarar, Arab-American Advisory Board member.

*Legislator Covill asked about the high penalty of up to \$250,000, and Mr. Sanchala said it was in line with New York City's legislation, and the penalty will depend on the circumstances. Legislator Smith asked about whether an employer could be held liable for an employee's discriminatory actions against a customer. Ms. Daniele stated that these cases are already covered by the Public Accommodations Law. Legislator Shimsky asked for a copy of that law. Legislator Barr asked whether it would be better for someone to call the police in response to an incident. Mr. Sanchala stated that this is not a replacement for calling the police, but provides another avenue for someone to seek justice.*

*Ms. Sarar said the Arab-American Advisory Board supports the legislation, but would like to see more information about what the next step would be after reporting an incident. Ms. Simon said that the LGBTQ+ Advisory Board supports the legislation, but asked why gender identity/expression was not specifically listed. Ms. Daniele said this class is specifically protected under the Human Rights Law. Mr. Schrag said the Westchester Jewish Council supports the law. He said he had spoken with other attorneys, and they agreed that the law as written does not violate First Amendment rights.*

*Legislator Barr asked what will be done to publicize the law. Mr. Sanchala said that they are putting out fact sheets, and meeting with communities to talk about the law as part of their broader outreach efforts.*

On motion of Legislator Smith, seconded by Legislator Shimsky, the above item was signed by committee. The motion carried unanimously.

2. [2021-373](#) **LOCAL LAW-Discriminatory Harassment Law**

A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to Discriminatory Harassment.

**COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND SOCIAL SERVICES**

Joint with Social Services committee

*See discussion of Item #1 above.*

On motion of Legislator Smith, seconded by Legislator Shimsky, the above item was signed by committee. The motion carried unanimously.

3. [RES-2021-129](#) **PH - Independent Office of Assigned Counsel**

A RESOLUTION to set a Public Hearing on a "LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 186 creating the Independent Office of Assigned Counsel." [Public Hearing set for September 20, 2021 at 7:30 p.m.]. LOCAL LAW INTRO: 2021-307.

**Submitted by COMMITTEES ON LEGISLATION AND LAW & MAJOR CONTRACTS**

Joint with Law & Major Contracts committee

Guests: County Attorney John Nonna and Chief Deputy County Attorney Stacey Dolgin-Kmetz  
*The committee members discussed changes to the law with Mr. Nonna and Ms. Dolgin-Kmetz. For Section 186.41(a), they requested that the words "Westchester County City Court Judge" be switched to the end of the second sentence for clarity. They also requested the removal of the language requiring that the member recommended by the Hudson Valley Hispanic Bar Association be a resident of Westchester County, and the addition of a sentence stating that "all attorney board members must practice or have practiced in Westchester County." They requested that the last sentence of the section be changed to read that "no member of the Board of Directors nor any current employee of Legal Aid" can serve on the Assigned Counsel Board.*

*Legislator Covil that Section 186.41 has 2 sections labeled (d), so the second section (d) and all subsequent sections through section (i) would need to be relettered accordingly. For Section 186.81(d), they asked that the requirement for assigned counsel to have access to training programs should be through the County Bar Association "or" any other organizations instead of "and."*

*Ms. Dolgin-Kmetz agreed to make all of the requested changes to the legislation.*

On motion of Legislator Shimsky, seconded by Legislator Barr, the above item was signed by committee. The motion carried unanimously.

4. [2021-307](#) **LEGISLATORS JOHNSON AND WOODSON-SAMUELS - LL - Independent Office of Assigned Counsel**

A LOCAL LAW amending the Laws of Westchester County be adding a new Chapter 186 relating to the creation of the Independent Office of Assigned Counsel.

**COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND LAW & MAJOR CONTRACTS**

Joint with Law & Major Contracts committee

Guests: County Attorney John Nonna and Chief Deputy County Attorney Stacey Dolgin-Kmetz  
*See discussion of Item #3 above.*

On motion of Legislator Smith, seconded by Legislator Shimsky, the above item was signed by committee. The motion carried unanimously.

## II. OTHER BUSINESS

## III. RECEIVE & FILE

## ADJOURNMENT

Moved by Legislator Shimsky, seconded by Legislator Gashi, the Committee adjourned at 2:14 p.m.