

Law & Major Contracts Meeting Agenda



Committee Chair: Damon Maher

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

Monday, November 27, 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.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [2023-489](#) ACT - Compromise of Claim - "B.J."

AN ACT authorizing the County of Westchester to compromise its right to be reimbursed for health care and wage benefits paid to or on behalf of a County employee "B.J." from a settlement of his legal action against a third-party tortfeasor.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Guest: Law Dept.: Associate County Attorney Sean Carey

2. [2023-498](#) ACT - Lawsuit Settlement of Yonkers Contracting v. County of Westchester

AN ACT authorizing the County Attorney to settle the lawsuit of Yonkers Contracting v. County of Westchester in the amount of TWO HUNDRED FIFTY THOUSAND (\$250,000) DOLLARS.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Guests: Law Dept.: County Attorney John Nonna; Sheppard Mullin: Ira Schulman, Partner

3. [2023-507](#) ACT - Enter into Agreement with Jackson Lewis P.C. to serve in an "of counsel" to the County Attorney

AN ACT authorizing the County to retain, at County expense, the law firm of Jackson Lewis P.C. to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the provision of legal advice and counsel regarding labor, employment and benefits law.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Guest: Law Dept.: County Attorney John Nonna

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT



George Latimer
County Executive

Department of Law
John M. Nonna
County Attorney

October 23, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, NY 10601

Re: An Act authorizing the County of Westchester (the "County") to compromise its claim to be reimbursed for health care expenditures and wage benefits paid to or on behalf of a County employee from a settlement of his legal action against a third-party tortfeasor.

Dear Honorable Members of the Board:

Attached for your consideration is an Act which, if approved, would authorize the County of Westchester (the "County") to compromise its claim to be reimbursed for health care expenditures and wage benefits paid to or on behalf of a County employee, identified as "B.J.," from the settlement of his legal action against a third-party tortfeasor. Consistent with prior practice in similar cases, I have deleted the name of the employee to protect the individual's privacy. The name, of course, will be disclosed to the Board of Legislators if that is desired.

When an individual is injured in the course of his or her employment, the County's self-insured Workers' Compensation program, administered by Triad Group, LLC, provides medical and lost wage benefits in accordance with NYS Workers' Compensation Law. If the individual is injured as a result of some alleged tortious act or omission of a third party, the County pays for the immediate health care for the insured, subject to the right to be reimbursed if the insured recovers in a settlement with or legal action against a third party. The employee is entitled to compensation and medical benefits under the NYS Workers' Compensation Law. Section 29 of the NYS Workers' Compensation Law entitles the County to a lien against the proceeds of any recovery from the third party liable for the injury, after the deduction of the reasonable and necessary expenditures—including attorney's fees incurred in effecting such recovery—to the extent of the amount of compensation and medical benefits awarded or provided under NYS Workers' Compensation Law.

Accordingly, I seek authorization to compromise the following claim:



On October 22, 2018, B.J.—a Senior Maintenance Mechanic II (Electrician) in the Westchester County Department of Environmental Facilities (the “Department”)—tripped and fell on construction materials that were left out in the North Yonkers Pump Station’s maintenance room by County vendor E.C.C.O. III Enterprises, Inc. (“ECCO”). When B.J. fell, he was carrying an auxiliary-generator battery, an item which weighed more than one hundred pounds. The battery fell on B.J.’s shin. As a result of the fall, B.J. injured his right ankle, right shin, and right arm. He eventually underwent surgery related to the fall, and missed a grand total of forty-one (41) weeks of work.

After the injury B.J. filed a NYS Workers’ Compensation claim, which the County did not controvert. On a parallel track to his Workers’ Compensation claim, B.J. retained counsel and commenced a personal-injury action against ECCO. B.J. is represented therein by SCARCELLA LAW OFFICE, located at 44 Church Street, Suite 150, White Plains, NY 10601. ECCO is represented by Fabiani Cohen & Hall, LLP, located at 570 Lexington Avenue, 4th Floor, New York, NY 10022.

On or about October 5, 2023, B.J. agreed in principle to settle his personal-injury action for two hundred fifteen thousand and 00/100 dollars (\$215,000.00), pending the County’s consent. In connection with the proposed settlement, B.J.’s counsel notified this Office that its costs and disbursements total five thousand five hundred eighty-two and 70/100 dollars (\$5,582.70) and that its attorney’s fee totals seventy-one thousand six hundred sixty-six and 67/100 dollars (\$71,666.67)—for a total litigation cost of seventy-seven thousand two hundred forty-nine and 37/100 dollars (\$77,249.37).

Between the date of the accident and the date of the proposed settlement, the County expended medical benefits pursuant to the NYS Workers’ Compensation Law (“WCL”) to or on B.J.’s behalf in the amount of fourteen thousand one hundred eleven and 59/100 dollars (\$14,111.59) and indemnity (lost wage) benefits in the amount of thirty-six thousand eight hundred three and 65/100 dollars (\$36,803.65)—bringing the County’s total expenditures in this matter to fifty thousand nine hundred fifteen and 24/100 dollars (\$50,915.24).

Based upon a review of the facts and circumstances of this matter, this Office seeks the authority to compromise the County’s claim for reimbursement by reducing its lien by 35.93%, equaling a dollar reduction of eighteen thousand two hundred ninety-three and 85/100 dollars (\$18,293.85). The County would thereafter accept in satisfaction of its present lien a total of thirty-two thousand six hundred twenty-one and 39/100 dollars (\$32,621.39). After the County is reimbursed and counsel fees are paid, B.J. would receive one hundred five thousand one hundred twenty-nine and 24/100 dollars (\$105,129.24).

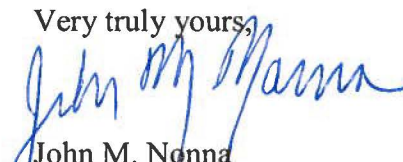
[Remainder of Page Intentionally Left Blank]

For the reader's convenience, a chart of the previously mentioned figures appears below:

Worker's Compensation Amounts	
Medical Expenses	\$14,111.59
Indemnity (Lost Wage) Payments	\$36,803.65
Worker's Comp, TOTAL	\$ 50,915.24
Litigation Amounts	
Third-Party Settlement (Gross Amt)	\$215,000.00
Disbursements	\$5,582.70
Attorney's Fees	\$71,666.67
Cost of Litigation (COL)	\$77,249.37
Net Proceeds of Third-Party Settlement	\$137,750.63
Percentage COL	35.93%
Carrier's COL	\$ 18,293.85
Carrier's Net Lien	\$ 32,621.39
Claimant's Net Recovery	\$ 105,129.24

I respectfully request authority from this Board pursuant to Section 158.11 of the Westchester County Charter to compromise the County's right to be reimbursed for health care and wage benefits paid to or on behalf of B.J. from his recovery against a third-party tortfeasor. I therefore recommend passage of the accompanying Act.

Very truly yours,


John M. Nonna
County Attorney

JMN/stc

BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if enacted by your Board, would authorize the County of Westchester (the “County”) to compromise its claim to be reimbursed for healthcare and wage benefits paid to or on behalf of a County employee, identified as “B.J.” Consistent with prior practice in similar cases, the County Attorney has deleted the name of the employee to protect the individual’s privacy. The name, of course, will be disclosed to the Board of Legislators if that is desired.

On October 22, 2018, B.J.—a Senior Maintenance Mechanic II (Electrician) in the Westchester County Department of Environmental Facilities (the “Department”)—tripped and fell on construction materials that were left out in the North Yonkers Pump Station’s maintenance room by County vendor E.C.C.O. III Enterprises, Inc. (“ECCO”). When B.J. fell, he was carrying an auxiliary-generator battery, an item which weighed more than one hundred pounds. The battery fell on B.J.’s shin. As a result of the fall, B.J. injured his right ankle, right shin, and right arm. He eventually underwent surgery related to the fall, and missed a grand total of forty-one (41) weeks of work.

After the injury B.J. filed a NYS Workers’ Compensation claim, which the County did not controvert. On a parallel track to his Workers’ Compensation claim, B.J. retained counsel and commenced a personal-injury action against ECCO. B.J. is represented therein by SCARCELLA LAW OFFICE, located at 44 Church Street, Suite 150, White Plains, NY 10601. ECCO is represented by Fabiani Cohen & Hall, LLP, located at 570 Lexington Avenue, 4th Floor, New York, NY 10022.

On or about October 5, 2023, B.J. agreed in principle to settle his personal-injury action for two hundred fifteen thousand and 00/100 dollars (\$215,000.00), pending the County’s consent.

In connection with the proposed settlement, B.J.'s counsel notified the County Attorney's Office that its costs and disbursements total five thousand five hundred eighty-two and 70/100 dollars (\$5,582.70) and that its attorney's fee totals seventy-one thousand six hundred sixty-six and 67/100 dollars (\$71,666.67)—for a total litigation cost of seventy-seven thousand two hundred forty-nine and 37/100 dollars (\$77,249.37).

Between the date of the accident and the date of the proposed settlement, the County expended medical benefits pursuant to the NYS Workers' Compensation Law ("WCL") to or on B.J.'s behalf in the amount of fourteen thousand one hundred eleven and 59/100 dollars (\$14,111.59) and indemnity (lost wage) benefits in the amount of thirty-six thousand eight hundred three and 65/100 dollars (\$36,803.65)—bringing the County's total expenditures in this matter to fifty thousand nine hundred fifteen and 24/100 dollars (\$50,915.24).

Based upon a review of the facts and circumstances of this matter, the County Attorney seeks the authority to compromise the County's claim for reimbursement by reducing its lien by 35.93%, equaling a dollar reduction of eighteen thousand two hundred ninety-three and 85/100 dollars (\$18,293.85). The County would thereafter accept in satisfaction of its present lien a total of thirty-two thousand six hundred twenty-one and 39/100 dollars (\$32,621.39). After the County is reimbursed and counsel fees are paid, B.J. would receive one hundred five thousand one hundred twenty-nine and 24/100 dollars (\$105,129.24).

[Remainder of Page Intentionally Left Blank]

Your Committee has carefully considered the matter and recommends authorizing the County Attorney, pursuant to Section 158.11 of the Westchester County Charter, to compromise the County's right to be reimbursed for health care and wage benefits paid to or on behalf of B.J. from the settlement of his legal action against a third-party tortfeasor. An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York
November __, 2023

ACT NO. 2023

AN ACT authorizing the County of Westchester to compromise its right to be reimbursed for health care and wage benefits paid to or on behalf of a County employee from a settlement of his legal action against a third-party tortfeasor.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

1. The County of Westchester is hereby authorized to compromise its right to be reimbursed for health care and wage benefits paid or owing to or on behalf of a County employee, identified as "B.J.", from a settlement of his legal action against a third party. The County's reimbursement is \$32,621.39, representing a 35.93% reduction of its lien, with full reservation of the County's right to set off B.J.'s net recovery against any future compensation in accordance with the provisions of New York State Workers' Compensation Law.
2. The County Attorney or his designee is hereby authorized to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose hereof.
3. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Settlement of Workers Comp lien (B.J.)

☐ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) ☒ GENERAL FUND ☐ AIRPORT ☐ SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ 0

Total Current Year Revenue \$ 32,621.39

Source of Funds (check one): ☐ Current Appropriations

☐ Transfer of Existing Appropriations ☐ Additional Appropriations ☒ Other (explain)

Identify Accounts: 613-57-0018-4280

Potential Related Operating Budget Expenses: Annual Amount \$ _____

Describe: _____

Potential Related Revenues: Annual Amount \$ _____

Describe: _____

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

Current Year: _____

Next Four years: _____

Prepared by: Sean T. Carey

Title: Associate County Attorney

Department: Law

Reviewed By: [Signature]

Budget Department

10/23/23

If you need more space, please attach additional sheets.

George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

November 8, 2022

Westchester County Board of Legislators
County of Westchester
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Re: Request for Authorization to Settle the Lawsuit of *Yonkers Contracting v. County of Westchester, et al.*, pending in the Appellate Division of the Supreme Court of the State of New York Docket No. 2023-04276

Dear Honorable Members of the Board:

Attached for your consideration is an Act which, if enacted by your Board, would authorize the settlement of the lawsuit entitled *Yonkers Contracting v. County of Westchester, et al.*, for \$250,000.00, as set forth below.

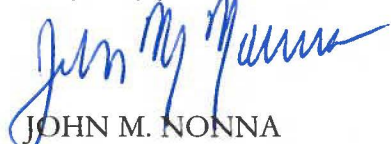
Yonkers Contracting Corporation ("YCC") was engaged by the County to perform general construction in connection with the development and construction of a Composite Performance Implementation and Plant Expansion at the New Rochelle Waste Water Treatment Plant (Contract No. 08-540) and the construction of a new building known as the Biological Nutrient Removal Facility at the New Rochelle Waste Water Treatment Plant (Contract No. 09-514) (collectively, the "Projects"). During the course of construction, various disputes arose between YCC and the County regarding the Projects. Ultimately, in 2015, YCC commenced litigation against the County and others, seeking in excess of \$37,000,000 from the County.

During the course of litigation, various settlement discussions were held. On May 26, 2020, a settlement proposal was submitted to your Board, proposing to settle the matter for \$7,000,000. At that time, motions for summary judgment were outstanding. Subsequent to the submission of that legislation, and before your Board voted on it, summary judgment was granted in favor of the County.

YCC moved to renew and reargue before the Supreme Court, arguing both that the summary judgment decision was wrong, and that there was an intervening settlement with the County. Following additional motion practice, discovery, and briefing on those issues, the Supreme Court issued a decision on April 13, 2023 which adhered to its prior decision on summary judgment, and found that there was no enforceable settlement. YCC has filed a notice of appeal from that decision.

Since then, YCC and the County have negotiated a proposed settlement in the amount of \$250,000.00, which would resolve all outstanding issues from this litigation, and would result in withdrawing the notice of appeal. I, together with our outside counsel Ira Schulman, recommend this settlement. Therefore, I am requesting that this Board approve the accompanying Act authorizing the settlement of all remaining claims in the action through the payment of \$250,000.00 to YCC.

Very truly yours,



JOHN M. NONNA
Westchester County Attorney

JMN/jra
Enclosure

BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of “AN ACT authorizing the County Attorney to Settle the Lawsuit of *Yonkers Contracting v. County of Westchester, et al.*, pending in the Appellate Division of the Supreme Court of the State of New York Docket No. 2023-04276.”

Your Committee is informed that Yonkers Contracting Corporation (“YCC”) was engaged by the County to perform general construction in connection with the development and construction of a Composite Performance Implementation and Plant Expansion at the New Rochelle Waste Water Treatment Plant (Contract No. 08-540) and the construction of a new building known as the Biological Nutrient Removal Facility at the New Rochelle Waste Water Treatment Plant (Contract No. 09-514) (collectively, the “Projects”). During the course of construction, various disputes arose between YCC and the County regarding the Projects. Ultimately, in 2015, YCC commenced litigation against the County and others, seeking in excess of \$37,000,000 from the County.

Your Committee is further informed that during the course of litigation, various settlement discussions were held. On May 26, 2020, a settlement proposal was submitted to your Board, and then referred to committee, proposing to settle the matter for \$7,000,000. At that time, motions for summary judgment were outstanding. Subsequent to the submission of that legislation, and before the item was moved out of committee, summary judgment was granted in favor of the County.

Your Committee is aware that YCC moved to renew and reargue before the Supreme Court, arguing both that the summary judgment decision was wrong, and that there was an intervening

settlement with the County. Following additional motion practice, discovery, and briefing on those issues, the Supreme Court issued a decision on April 13, 2023 which adhered to its prior decision on summary judgment, and found that there was no enforceable settlement. YCC has filed a notice of appeal from that decision.

Your Committee is informed that YCC and the County have negotiated a proposed settlement in the amount of \$250,000.00, which would resolve all outstanding issues from this litigation, and would result in withdrawing the notice of appeal. The County Attorney, and the County's outside counsel Ira Schulman, have recommended that the County accept this settlement as a fair and equitable resolution of this action. Your Committee concurs with this recommendation and recommends that this Honorable Board adopt the proposed Act.

Dated: White Plains, New York
, 2023

COMMITTEE ON

AN ACT authorizing the County Attorney to Settle the Lawsuit of *Yonkers Contracting v. County of Westchester, et al.*, pending in the Appellate Division of the Supreme Court of the State of New York Docket No. 2023-04276

BE IT ENACTED by the County Board of Legislators of the County of Westchester as follows:

Section 1. The County Attorney is hereby authorized to settle the lawsuit of *Yonkers Contracting Corp. v. County of Westchester, et al.*, by payment from the County in an amount of \$250,000.00.

Section 2. The County Attorney or his designee is hereby authorized to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purposes hereof.

Section 3. This Act shall take effect immediately.

Date: November 9, 2023

To: Hon. Vedat Gashi Sunday Vanderberg
Chairman, Board of Legislators Clerk, Board of Legislators

From: John M. Nonna
County Attorney



Re: Legislation to authorize the County to enter into an agreement to retain, at County expense, the law firm of Jackson Lewis P.C. — Rule 13.1 Request for Immediate Consideration

Attached please find legislation that would, if approved, authorize the County to enter into an agreement to retain, at County expense, the law firm of Jackson Lewis P.C. to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with the provision of legal advice and counsel regarding labor, employment, and benefits law.

I respectfully request that the Board of Legislators add the attached legislation to the agenda for its November 13, 2023 meeting, pursuant to Rule 13.1 of the Rules of the County Board of Legislators (LWC §960.01).

Please let me know if you have any questions concerning either the legislation or this request. Thank you.

JMN/bdm/nn



George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

November 9, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is an Act that, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an agreement (the "Agreement") to retain, at County expense, the law firm of Jackson Lewis P.C. ("Jackson Lewis") to serve in an "of counsel" capacity to the County Attorney, as needed, (the "Services") in connection with the provision of legal advice and counsel regarding labor, employment, and benefits law.

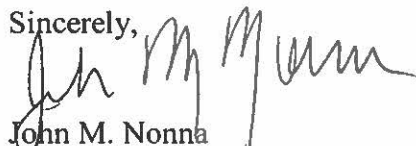
The term of the proposed Agreement will commence on September 27, 2023 and continue until the County determines, in its sole discretion, that the Services are no longer required.

Under the proposed Agreement, Jackson Lewis will be paid a total amount not-to-exceed Fifty Thousand Dollars (\$50,000.00), payable at a rate of Five Hundred and Fifty Dollars (\$550.00) per hour for the services of all principals of the firm, and payable at a twenty percent (20%) discount off of standard rates for the services of all other timekeepers.

Procurement of the Services is exempt from the competitive procurement requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)(x) thereof.

The proposed Act does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617. No environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

I respectfully recommend your Honorable Board's approval of the attached Act.

Sincerely,

John M. Nonna
County Attorney

JMN/bdm/nn

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Attorney recommending the approval of an Act that, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to enter into an agreement (the “Agreement”) to retain, at County expense, the law firm of Jackson Lewis P.C. (“Jackson Lewis”) to serve in an “of counsel” capacity to the County Attorney, as needed, (the “Services”) in connection with the provision of legal advice and counsel regarding labor, employment, and benefits law.

The County Attorney has advised your Committee that the term of the proposed Agreement will on September 27, 2023 and continue until the County determines, in its sole discretion, that the Services are no longer required.

The County Attorney has advised your Committee that, under the proposed Agreement, Jackson Lewis will be paid a total amount not-to-exceed Fifty Thousand Dollars (\$50,000.00), payable at a rate of Five Hundred and Fifty Dollars (\$550.00) per hour for the services of all principals of the firm, and payable at a twenty percent (20%) discount off of standard rates for the services of all other timekeepers.

The County Attorney has advised your Committee that procurement of the Services is exempt from the competitive procurement requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)(x) thereof.

Your Committee concurs with the conclusion that the proposed Act does not meet the

definition of an action under New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617. Accordingly, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

Your Committee has been advised that the adoption of the proposed Act requires an affirmative vote of a majority of the members of your Honorable Board.

After due consideration, your Committee recommends adoption of the proposed Act.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

C:BDM-110823

FISCAL IMPACT STATEMENT

SUBJECT: Jackson Lewis P.C. -Labor Law

☐ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense NTE \$50,000

Total Current Year Revenue \$ -

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

☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: 101_18_1000_4923- NTE \$50,000 Term will commence on September 27, 2023

and continue until the County determines, in its sole discretion, that the services are no longer required.

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: An act authorizing the County to retain , at County expense, the law firm of Jackson Lewis P.C. to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the provision of legal advice and counsel regarding labor, employment, and benefits law.

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

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

Current Year: N/A

Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: October 19, 2023

Reviewed By: 
PH Budget Director

Date: 10/19/23

ACT NO. 2023 - _____

AN ACT authorizing the County to retain, at County expense, the law firm of Jackson Lewis P.C. to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with the provision of legal advice and counsel regarding labor, employment, and benefits law.

BE IT ENACTED by the Board of Legislators of the County of Westchester, as follows:

Section 1. The County of Westchester (the “County”) is hereby authorized to enter into an agreement (the “Agreement”) to retain, at County expense, the law firm of Jackson Lewis P.C. (“Jackson Lewis”) to serve in an “of counsel” capacity to the County Attorney, as needed, (the “Services”) in connection with the provision of legal advice and counsel regarding labor, employment, and benefits law.

§2. The Agreement shall be for a term that will commence on September 27, 2023 and continue until the County determines, in its sole discretion, that the Services are no longer required. For the Services, Jackson Lewis will be paid a total amount not-to-exceed Fifty Thousand Dollars (\$50,000.00), payable at a rate of Five Hundred and Fifty Dollars (\$550.00) per hour for the services of all principals of the firm, and payable at a twenty percent (20%) discount off of standard rates for the services of all other timekeepers.

§3. The County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to carry out the purposes of this Act.

§4. This Act shall take effect immediately.