

LOCAL LAW NO. \_\_\_\_ - 2023

A LOCAL LAW amending Section 158.11 of the Laws of Westchester County with respect to instituting actions and settlement authority.

Be it enacted by the Board of Legislators of the County of Westchester, as follows:

SECTION 1.

Subdivision 3 of Section 158.11 of the Laws of Westchester County is hereby amended to read as follows:

(3) The County Attorney shall not have the power to institute any proceedings on behalf of the county, or any of its officers, unless directed to do so by the County Board or an officer, board, commission or body having power or authority under statute to direct the starting of any such action or proceeding, except a proceeding for a money judgment only where the amount involved does not exceed [ten thousand dollars (\$10,000.00)] twenty-five thousand dollars (\$25,000.00) exclusive of interest and costs, or except as provided in subsection 4. hereof. Where a money judgment is comprised of multiple fines, penalties, or other judgments, the County Attorney is authorized to commence an action to collect such judgment where the aggregate judgment exceeds twenty-five thousand dollars, so long as no individual component judgment exceeds twenty-five thousand dollars.

SECTION 2.

Subdivision 5 of Section 158.11 of the Laws of Westchester County is hereby amended to read as follows:

Except as otherwise provided in this subdivision, the county attorney shall not be empowered to compromise, settle or adjust any rights, claims, demands or causes of action in favor of or against the County of Westchester without the previous authority of the county board or of the board, body, commission or office authorized or empowered by statute to direct or consent to such compromise, settlement or adjustment. He shall not permit, offer or confess judgment against the county or accept any offer or judgment in favor of the county for less than the amount claimed by the county, unless previously duly authorized to do so by the County Board. Notwithstanding the foregoing, the County Attorney shall be empowered to compromise, settle, or adjust rights, claims, demands or causes of action against the county for an amount not to exceed [ten thousand dollars (\$10,000.00)] twenty-five

thousand dollars (\$25,000.00) exclusive of interest and costs without the need for authorization from the County Board or of any other board, body, commission or office. In addition, the County Attorney with the approval of the County Board of Acquisition and Contract may compromise, settle or adjust rights, claims, demands or causes of action against the county [for personal injury or property damage] for which the County is authorized to make payment out of its self-insurance reserve fund pursuant to New York State General Municipal Law § 6-n or any other insurance program of the County's, for an amount not to exceed [seventy-five thousand dollars (\$75,000.00)] one hundred-and-fifty thousand dollars (\$150,000.00) exclusive of interests and costs. In addition, the County Attorney, with the approval of the County Board of Acquisition and Contract, may compromise, settle, or adjust liens in favor of the County under Section 29 of the New York State Workers' Compensation Law. In no event shall any inhibition contained in this section operate to limit or abridge the discretion of the County Attorney in regard to the proper conduct of the trial or appeal of any proceedings or action at law, or to deprive said County Attorney of the powers or privileges ordinarily exercised in the course of litigation by attorneys at law when acting for private clients.

### SECTION 3.

Subdivision 3(c) of Section 297.31 of the Laws of Westchester County is hereby repealed and replaced with a new subdivision 3(c) to read as follows:

c. Where an employee is represented by the County Attorney, any proposed settlement which may be subject to indemnification by the county shall be subject to the requirements for approval contained in Section 158.11(5) of the Laws of Westchester County.

### SECTION 4. Effective date.

This Local Law shall take effect in 60 days.