



Budget & Appropriations

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

Meeting Agenda

Committee Chair: Catherine Borgia

Monday, February 22, 2021

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committee on Law & Major Contracts

MINUTES APPROVAL

February 17, 2021 10AM Minutes

I. ITEMS FOR DISCUSSION

1. [2021-141](#) **ACT - Amendment to Retainer Agreement**

AN ACT authorizing the County of Westchester to further amend a retainer agreement with the law firm of Sheppard, Mullin, Richter & Hampton LLP, for the provision of outside counsel legal services in connection with the civil matter Yonkers Contracting Company, Inc. v. County of Westchester, et al, be extending the term thereof through December 31, 2021.

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

Joint with LMC

Guests: County Attorney John Nonna & Assistant County Attorney Chris Inzero

2. [2021-142](#) **ACT - Lawsuit Settlement - County v. IFIC**

AN ACT authorizing the County Attorney to settle an action on behalf of the County of Westchester (the "County") against International Fidelity Insurance Company ("IFIC") for the total amount of \$75,000, regarding breach of an obligation under a payment and performance bond, relating to a breach of an agreement by, and termination of an agreement with, R&S Waste Services, LLC ("R&S"), dated February 16, 2017, for which IFIC is the Surety.

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

Joint with LMC

Guests: County Attorney John Nonna & Assistant County Attorney Chris Inzero

3. [2021-143](#) **Resolution in Support of the Commemoration of the 250th Anniversary of our nation**

A RESOLUTION supporting the commemoration of the 250th anniversary of our nation in conjunction with state, regional and local initiatives.

COMMITTEE REFERRAL: COMMITTEE ON BUDGET & APPROPRIATIONS

Budget only

*Guests: NYS Senator Shelley Mayer, Natasha Caputo, Director and Barry Surman, Deputy Director-
Westchester County Tourism & Film, Constance Kehoe, Revolutionary Westchester 250*

II. OTHER BUSINESS

III. RECEIVE & FILE

1. [2021-150](#) CLERK OF THE BOARD - 2020 Westchester County Clerk Annual Report

Forwarded from the County Clerk, his Annual Report for the fiscal year 2020.

COMMITTEE REFERRAL: COMMITTEE ON BUDGET & APPROPRIATIONS

ADJOURNMENT

George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

February 3, 2021

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

Dear Honorable Members of the Board:

Attached for your consideration is an Act which, if approved by your Honorable Board, would authorize the County of Westchester (the "County") to amend a retainer agreement with the law firm of Sheppard, Mullin, Richter & Hampton LLP ("Sheppard Mullin") for the provision of outside counsel legal services in connection with the civil matter *Yonkers Contracting Company, Inc. v. County of Westchester, et al* /Index Number: 63929/2015 ("*Yonkers Contracting*"), by extending the term thereof through December 31, 2021.

By way of background, on February 26, 2018 by Act No. 2018-18, your Honorable Board authorized the County to enter into a retainer agreement with the law firm of Pepper Hamilton, LLP ("Pepper Hamilton"), pursuant to which Pepper Hamilton agreed to defend the County against claims commenced against it and to prosecute appropriate cross-claims in the *Yonkers Contracting* matter for a term commencing on January 11, 2018 and continuing through January 10, 2021 (the "Agreement"). In consideration for services rendered, your Honorable authorized the County to pay Pepper Hamilton an amount not-to-exceed \$150,000.00 at the following rates: \$520.00 per hour for the services of Ira M. Schulman, Esq.; \$412.00 per hour for Vincent Torna, Esq.; \$312.00 per hour for Alex Corey, Esq., and \$150.00 per hour for paralegal Erin Tornabene; or personnel within Pepper Hamilton with comparable experience and ability as those mentioned at the same rate of pay.

Thereafter, on May 6, 2019 by Act No. 2019-83, your Honorable Board authorized the County to pay Pepper Hamilton an additional amount not-to-exceed \$200,000.00, thereby increasing the total cap from \$150,000.00 to \$350,000.00.

Thereafter, on October 7, 2019 by Act No. 2019-198, your Honorable Board authorized the County to pay Pepper Hamilton an additional amount not-to-exceed \$265,000.00, thereby increasing the total cap from \$350,000.00 to \$615,000.00.

Thereafter, on May 18, 2020 by Act No. 2020-89, your Honorable Board authorized the County to: 1) further amend the Agreement with Pepper Hamilton by increasing the not-to-exceed cap thereunder by an additional \$69,100 to compensate Pepper Hamilton for legal services rendered through April 1, 2020; 2) consent to the assignment of the Agreement with Pepper Hamilton to the law firm of Sheppard Mullin, effective April 2, 2020; and 3) amend the Agreement, as assigned to Sheppard Mullin, to increase the not-to-exceed amount thereunder by an additional \$175,000.00 for services to be rendered by Sheppard Mullin during the period from April 2, 2020 through January 10, 2021.

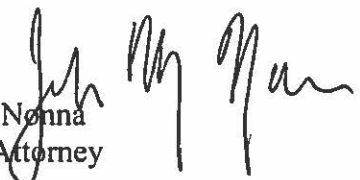
The Agreement with Sheppard Mullin expired on January 10, 2021. However, since this litigation is ongoing, the County will continue to require the services of the firm at least through the end of this year. Accordingly, authority is requested to retroactively amend the Agreement with Sheppard Mullin by extending the term thereof from January 11, 2021 through December 31, 2021. For the aforesaid services rendered to the County by Sheppard Mullin, the firm will continue to be paid at the following rates: \$520.00 per hour for the services of Ira M. Schulman, Esq.; \$412.00 per hour for Sophia Cahill, Esq.; \$312.00 per hour for Michelle Cooper, Esq., and \$150.00 per hour for paralegal Leigh Ann Tencza; or personnel within Sheppard Mullin with comparable experience and ability as those mentioned at the same rate of pay. In no event will the total amount payable by the County to Sheppard Mullin during the term of the proposed amendment to the Agreement exceed the sum of One Hundred Seventy-Five Thousand (\$175,000.00) Dollars.

The Planning Department has advised that this is not an action subject to the State Environmental Quality Review Act.

Accordingly, your Honorable Board's approval of the attached Act is most respectfully requested.

Very truly yours,

John M. Nonna
County Attorney



JMN/jpg
Attachment

**HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER**

Your Committee is in receipt of a proposed Act transmitted by the County Attorney which, if adopted, would authorize the County of Westchester (the “County”) to amend a retainer agreement with the law firm of Sheppard, Mullin, Richter & Hampton LLP (“Sheppard Mullin”) for the provision of outside counsel legal services in connection with the civil matter *Yonkers Contracting Company, Inc. v. County of Westchester, et al* /Index Number: 63929/2015 (“*Yonkers Contracting*”), by extending the term thereof through December 31, 2021.

The County Attorney has advised that due to the special and complex nature of construction law litigation and the evaluation and analysis of damages, it is in the best interests of the County to retain counsel qualified to handle such litigation. Accordingly, on February 26, 2018 by Act No. 2018-18, your Honorable Board authorized the County to enter into a retainer agreement with the law firm of Pepper Hamilton, LLP (“Pepper Hamilton”), pursuant to which Pepper Hamilton agreed to defend the County against claims commenced against it and to prosecute appropriate cross-claims in the *Yonkers Contracting* matter for a term commencing on January 11, 2018 and continuing through January 10, 2021. In consideration for services rendered, your Honorable authorized the County to pay Pepper Hamilton an amount not-to-exceed \$150,000.00 at the following rates: \$520.00 per hour for the services of Ira M. Schulman, Esq.; \$412.00 per hour for Vincent Torna, Esq.; \$312.00 per hour for Alex Corey, Esq., and \$150.00 per hour for paralegal Erin Tornabene; or personnel within Pepper Hamilton with comparable experience and ability as those mentioned at the same rate of pay.

Thereafter, on May 6, 2019 by Act No. 2019-83, your Honorable Board authorized the County to pay Pepper Hamilton an additional amount not-to-exceed \$200,000.00, thereby increasing the total cap from \$150,000.00 to \$350,000.00.

Thereafter, on October 7, 2019 by Act No. 2019-198, your Honorable Board authorized the County to pay Pepper Hamilton an additional amount not-to-exceed \$265,000.00, thereby increasing the total cap from \$350,000.00 to \$615,000.00.

Thereafter, on May 18, 2020 by Act No. 2020-89, your Honorable Board authorized the County to: 1) further amend the Agreement with Pepper Hamilton by increasing the not-to-exceed cap thereunder by an additional \$69,100 to compensate Pepper Hamilton for legal services rendered through April 1, 2020; 2) consent to the assignment of the Agreement with Pepper Hamilton to the law firm of Sheppard Mullin, effective April 2, 2020; and 3) amend the Agreement, as assigned to Sheppard Mullin, to increase the not-to-exceed amount thereunder by an additional \$175,000.00 for services to be rendered by Sheppard Mullin during the period from April 2, 2020 through January 10, 2021.

Your Committee is advised that the Agreement with Sheppard Mullin expired on January 10, 2021. However, since this litigation is ongoing, the County will continue to require the services of the firm at least through the end of this year. Accordingly, authority is requested to retroactively amend the Agreement with Sheppard Mullin by extending the term thereof from January 11, 2021 through December 31, 2021.

For the aforesaid services rendered to the County by Sheppard Mullin, the firm will continue to be paid at the following rates: \$520.00 per hour for the services of Ira M. Schulman, Esq.; \$412.00 per hour for Sophia Cahill, Esq.; \$312.00 per hour for Michelle Cooper, Esq., and \$150.00 per hour for paralegal Leigh Ann Tencza; or personnel within Sheppard Mullin with comparable experience and ability as those mentioned at the same rate of pay. In no event will the total amount payable by the County to Sheppard Mullin during the term of the proposed amendment to the Agreement exceed the sum of One Hundred Seventy-Five Thousand (\$175,000.00) dollars.

The Planning Department has advised that this is not an action subject to the State Environmental Quality Review Act. Therefore, no further environmental review is required. Your Committee concurs with the Planning Department's conclusion.

An affirmative vote of a majority of the voting strength of the Board is required for approval of the attached Act.

Your Committee recommends approval of the attached Act.

Dated: _____, 2021
White Plains, New York

COMMITTEE ON

c:JPG 2.1.21

FISCAL IMPACT STATEMENT

SUBJECT: Sheppard, Mullin -Term Extension 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 \$ _____ -

Total Current Year Revenue \$ _____ -

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

Additional Appropriations Other (explain)

Identify Accounts: N/A

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: An act authorizing the County to amend a retainer agreement with Sheppard, Mullin, Richter & Hampton LLP, for outside counsel legal services in connection with Yonkers Contracting Co., Inc. v. Westchester County by extending the term through December 31, 2021.

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

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

Current Year: N/A

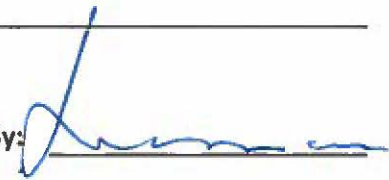
Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget


Date: January 29, 2021

Reviewed By: 
PH

Budget Director

Date: 1/29/21

TO: Jeffrey P. Goldman,
Senior Assistant County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM 
Director of Environmental Planning

DATE: February 2, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR SHEPPARD,
MULLIN, RICHTER & HAMPTON LLP AGREEMENT AMENDMENT**

PROJECT/ACTION: Amend a retainer agreement with the law firm of Sheppard, Mullin, Richter & Hampton LLP for the provision of outside legal services in connection with the civil matter *Yonkers Contracting Company, Inc. v. County of Westchester, et al.* As litigation is still ongoing, but the most recent agreement expired on January 10, 2021, the amendment will retroactively extend the term of the agreement from January 11, 2021 through December 31, 2021.

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required because the project/action:

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTION 617.5(c)():**
-

COMMENTS: None

DSK/dvw

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Norma Drummond, Commissioner
Claudia Maxwell, Associate Environmental Planner

ACT NO. – 2021

AN ACT authorizing the County of Westchester to further amend a retainer agreement with the law firm of Sheppard, Mullin, Richter & Hampton LLP, for the provision of outside counsel legal services in connection with the civil matter *Yonkers Contracting Company, Inc. v. County of Westchester, et al*, by extending the term thereof through December 31, 2021.

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

Section 1. The County of Westchester (the “County”) is hereby authorized to further amend a retainer agreement with the law firm of Sheppard, Mullin, Richter & Hampton LLP (“Sheppard Mullin”) for the provision of outside counsel legal services in connection with the civil matter *Yonkers Contracting Company, Inc. v. County of Westchester, et al* /Index Number: 63929/2015 (“*Yonkers Contracting*”), by extending the term thereof from January 11, 2021 through December 31, 2021.

§2. For the aforesaid services rendered to the County by Sheppard Mullin, the County shall continue to pay the firm at the following rates: \$520.00 per hour for the services of Ira M. Schulman, Esq.; \$412.00 per hour for Sophia Cahill, Esq.; \$312.00 per hour for Michelle Cooper, Esq., and \$150.00 per hour for paralegal Leigh Ann Tencza; or personnel within Sheppard Mullin with comparable experience and ability as those mentioned at the same rate of pay. In no event shall the total amount payable by the County to Sheppard Mullin during the agreement extension exceed the sum of One Hundred Seventy-Five Thousand (\$175,000.00) Dollars.

§3. That except as otherwise expressly amended hereby, all other terms and conditions of the retainer agreement, as previously amended and assigned, shall remain in full force and effect.

§4. This Act shall take effect immediately.

George Latimer
County Executive

John M. Nonna
County Attorney

January 29, 2021

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 an action commenced by the County of Westchester (the "County"), against International Fidelity Insurance Company ("IFIC"), in the action entitled, *County of Westchester v. International Fidelity Ins. Co.; International Fidelity Ins. Co. v. R & S Waste Services, LLC, et. al;* Index No. 53642 / 2019; Supreme Court of the State of New York, County of Westchester; for the total amount of \$75,000, regarding breach of an obligation under a payment and performance bond, relating to a breach of an agreement by, and termination of an agreement with, R&S Waste Services, LLC, dated February 16, 2017, for which IFIC is the Surety.

Dear Honorable Members of the Board:

Attached for your consideration is an Act, which if approved by your Honorable Board, would authorize the County Attorney to settle a claim commenced by the County against IFIC, for the total amount of \$75,000, in the action entitled, *County of Westchester v. International Fidelity Ins. Co.; International Fidelity Ins. Co. v. R & S Waste Services, LLC, et. al;* Index No. 53642 / 2019; Supreme Court of the State of New York, County of Westchester.

Pursuant to authorization of the Board of Legislators on or about February 8, 2019, the County commenced an action on March 7, 2019 against IFIC for a claim related to breach of its obligations under a payment and performance bond relating to breach of an agreement by, and termination of an agreement with, R & S Waste Services, LLC ("R&S"), dated February 16, 2019 (the "County / R&S Agreement"), for which IFIC is the surety.

Under the County / R&S Agreement, R&S was obligated to remove solid waste from various County locations. The County / R&S Agreement was for an amount not to exceed \$1,407,124, and had a term from March 1, 2017 through February 29, 2020, with the County having the option to extend the term two additional years.

Michaelian Office Building
148 Martine Avenue, 6th Floor
White Plains, New York 10601

Telephone: 914-995-3630

Fax: 914-995-3132*

*Please be advised that service by facsimile is not accepted.



The County paid R&S for its services on a monthly basis, pursuant to monthly invoices rendered by R&S. R&S charged a flat rate for removing United States Department of Agriculture (“USDA.”) regulated solid waste from international sources (“international solid waste”) from the Westchester County Airport (the “Airport”), and ordinary solid waste from Hilltop Hanover Farm in Yorktown, and 100 East First Street in Mount Vernon. R&S also charged the County various rates per ton for different classifications of ordinary solid waste removed by it from all other County locations as detailed in the County / R&S Agreement.

The County / R&S Agreement obligated R&S to furnish the County with a bond guaranteeing its faithful performance of the Agreement. On or about February 16, 2017, IFIC, as Surety, executed and delivered a bond to the County for the penal sum of \$469,041.33. The bond had an initial term of one year from March 1, 2017 through February 28, 2018, which IFIC renewed on or about February 15, 2018 for an additional one year from March 1, 2018 through February 28, 2019 (the “Bond”).

The County / R&S Agreement obligated R&S to comply with the provisions of all applicable federal, state and local laws, rules and regulations, including but not limited to, those applicable to R&S as an employer of labor or otherwise, including, without limitation, Labor Law, Worker’s Compensation Law, State Unemployment Insurance Law, and the Federal Social Security Law.

By Opinion and Order dated March, 28, 2018, the United States District Court for the Southern District of New York (Carter, U.S.D.J.), in the action entitled *Trustees et al. v. Rogan Brothers Sanitation, et al.*, (the “federal action”), determined that R&S violated the Employment Retirement Income Security Act (ERISA). On April 24, 2018, a Judgment was entered against R &S for its violation of ERISA in the amount of \$4,260,339.16.

As R&S was obligated under the County / R&S Agreement “to comply...with the provisions of all applicable federal, state, and local laws, rules and regulations”, its violation of ERISA as determined by the March 28, 2018 Decision and Order, constitutes its material breach of the Agreement.

By letter dated June 21, 2018, the County notified R&S that it materially breached the County / R&S Agreement by violating the ERISA, and demanded that it cure same within forty-eight hours after its receipt of the letter. By letter dated July 9, 2018, the County notified R&S that the County / R&S Agreement was terminated due to R&S’ failure to cure its breach.

By letter to IFIC dated July 16, 2018, the County made a claim under the Bond, demanding that IFIC indemnify and save it harmless against all costs and damages resulting from R&S’ breach of the County / R&S Agreement, including that IFIC complete the work agreed to be performed by R&S. By letter dated October 12, 2018, IFIC denied the County’s claim under the Bond in its entirety.

Due to R&S’ material breach of the County / R&S Agreement, the County was caused to obtain replacement solid waste hauling services (“replacement services”) at rates higher than those charged by R&S under the County / R&S Agreement.

The time period for the County's recovery of damages for replacement services against IFIC, is from July 9, 2018; the termination date of the County / R&S Agreement, through February 28, 2019; the expiration date of the Bond as renewed by IFIC.

The County's obtained replacement solid waste hauling services for said time period, detailed as follows:

On or about July 12, 2018, the County contracted with City Carting and Recycling, LLC ("City Carting") on an emergency basis (the "County / City Carting Emergency Agreement"). The County / City Carting Emergency Agreement was for an amount not to exceed \$720,000, and had a term July 12, 2018 through January 11, 2019. The County / City Carting Emergency Agreement did not provide for the removal of USDA regulated international solid waste from the Airport, as upon information and belief, City Carting had no license at such time to perform same.

To avoid interruption of the removal of USDA regulated international solid waste at the Airport, AVPORTS, as Airport manager and operator, retained Waste Management Reduction Services, LLC ("WMRS") on or about July 2018 to perform said service as the sole entity known to it at such time that was licensed to perform same, and as federal regulations require that such waste be removed from the Airport within 72 hours from the time it arrives. Under AVPORTS's agreement with WMRS, AVPORTS pays WMRS and is reimbursed by the County.

On or about October 26, 2018, the County published "invitations to bid" for the removal of solid waste from various County locations, except the USDA regulated international solid waste at the Airport, on a non-interim basis. On or about January 10, 2019, the County entered into a contract with City Carting as sole bidder to perform said services (the "County / City Carting Bid Agreement"). The County / City Carting Bid Agreement is for an amount not to exceed \$1,418,722, and has a term from January 12, 2019 through January 11, 2022, with the County having the sole option to renew for one additional two year period.

On or about December 7, 2018, the County published "invitations to bid" for the removal of the USDA regulated international solid waste from the Airport. On or about January 9, 2019, the County conditionally accepted the bid of WMRS as sole bidder to perform said service. However, the County subsequently elected not to contract with WMRS, upon its determination that WMRS' charge to the County for said service would be greater than what it was charging AVPORTS for said service under the AVPORTS / City Carting Agreement.

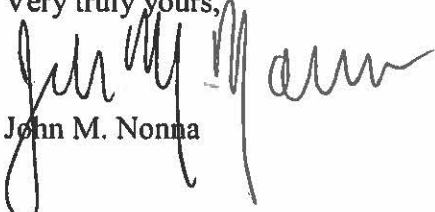
Subsequent and in response to the County's commencement of its action against IFIC on March 7, 2019, IFIC, commenced a third-party action on May 29, 2020 against R&S, and other entities and certain individuals, for indemnification for any liability it may have to County.

On July 20, 2020, R&S asserted a counterclaim against the County, alleging that the County breached the County / R&S Agreement. By Decision and Order dated September 16, 2020, the Court dismissed R&S' counterclaim. On or about November 9, 2020, R&S motioned the Court for re-argument of the Court's September 16, 2020 Decision and Order dismissing its

claim against the County, which the County opposed, and for which a decision from the Court is pending.

The County has calculated its total damages for the time period from July 9, 2018 through February 28, 2019, in the total principal amount of \$156,274.23. However, the County has agreed to settle its claim against IFIC for the total amount of \$75,000, given the evaluated attendant risks to full recovery of its damages at trial.

Accordingly, I request authority on behalf of the County to settle the County's claim against IFIC for the total amount of \$75,000.

Very truly yours,

John M. Nonna

JMN/cji

BOARD OF LEGISLATORS

COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if approved by your Honorable Board, would authorize the County Attorney to settle a claim commenced by the County against International Fidelity Insurance Company (“IFIC”), for the total amount of \$75,000, in the action entitled, *County of Westchester v. International Fidelity Ins. Co.; International Fidelity Ins. Co. v. R & S Waste Services, LLC, et. al*; Index No. 53642 / 2019; Supreme Court of the State of New York, County of Westchester.

Your Committee is informed that pursuant to authorization of the Board of Legislators on or about February 8, 2019, the County commenced an action on March 7, 2019 against IFIC for a claim related to breach of its obligations under a payment and performance bond relating to breach of an agreement by, and termination of an agreement with, R & S Waste Services, LLC (“R&S”), dated February 16, 2019 (the “County / R&S Agreement”), for which IFIC is the surety.

Under the County / R&S Agreement, R&S was obligated to remove solid waste from various County locations. The County / R&S Agreement was for an amount not to exceed \$1,407,124, and had a term from March 1, 2017 through February 29, 2020, with the County having the option to extend the term two additional years.

The County paid R&S for its services on a monthly basis, pursuant to monthly invoices rendered by R&S. R&S charged a flat rate for removing United States Department of Agriculture (“USDA.”) regulated international solid waste from international sources (“international solid waste”) from the Westchester County Airport (the “Airport”), and ordinary solid waste from Hilltop Hanover Farm in Yorktown, and 100 East First Street in Mount Vernon. R&S also

charged the County various rates per ton for different classifications of ordinary solid waste removed by it from all other County locations as detailed in the County / R&S Agreement.

The County / R&S Agreement obligated R&S to furnish the County with a bond guaranteeing its faithful performance of the Agreement. On or about February 16, 2017, IFIC, as Surety, executed and delivered a bond to the County for the penal sum of \$469,041.33. The bond had an initial term of one year from March 1, 2017 through February 28, 2018, which IFIC renewed on or about February 15, 2018 for an additional one year from March 1, 2018 through February 28, 2019 (the “Bond”).

The County / R&S Agreement obligated R&S to comply with the provisions of all applicable federal, state and local laws, rules and regulations, including but not limited to, those applicable to R&S as an employer of labor or otherwise, including, without limitation, Labor Law, Worker’s Compensation Law, State Unemployment Insurance Law, and the Federal Social Security Law.

By Opinion and Order dated March, 28, 2018, the United States District Court for the Southern District of New York (Carter, U.S.D.J.), in the action entitled *Trustees et al. v. Rogan Brothers Sanitation, et al.*, (the “federal action”), determined that R&S violated the Employment Retirement Income Security Act (ERISA). On April 24, 2018, a Judgment was entered against R &S for its violation of ERISA in the amount of \$4,260,339.16.

As R&S was obligated under the County / R&S Agreement “to comply...with the provisions of all applicable federal, state, and local laws, rules and regulations”, its violation of ERISA as determined by the March 28, 2018 Decision and Order, constitutes its material breach of the Agreement.

By letter dated June 21, 2018, the County notified R&S that it materially breached the County / R&S Agreement by violating the Employee Retirement Security Act, and demanded that it cure same within forty-eight hours after its receipt of the letter. By letter dated July 9, 2018, the County notified R&S that the County / R&S Agreement was terminated due to R&S' failure to cure its breach.

By letter to IFIC dated July 16, 2018, the County made a claim under the Bond, demanding that IFIC indemnify and save it harmless against all costs and damages resulting from R&S' breach of the County / R&S Agreement, including that IFIC complete the work agreed to be performed by R&S. By letter dated October 12, 2018, IFIC denied the County's claim under the Bond in its entirety.

Due to R&S' material breach of the County / R&S Agreement, the County was caused to obtain replacement solid waste hauling services ("replacement services") at rates higher than those charged by R&S under the County / R&S Agreement.

The time period for the County's recovery of damages for replacement services against IFIC, is from July 9, 2018; the termination date of the County / R&S Agreement, through February 28, 2019; the expiration date of the Bond as renewed by IFIC.

The County obtained replacement solid waste hauling services for said time period, detailed as follows:

On or about July 12, 2018, the County contracted with City Carting and Recycling, LLC ("City Carting") on an emergency basis (the "County / City Carting Emergency Agreement"). The County / City Carting Emergency Agreement was for an amount not to exceed \$720,000, and had a term July 12, 2018 through January 11, 2019. The County / City Carting Emergency Agreement did not provide for the removal of USDA regulated international solid waste from the

Airport, as upon information and belief, City Carting had no license at such time to perform same.

To avoid interruption of the removal of USDA regulated international solid waste at the Airport, AVPORTS, as Airport manager and operator, retained Waste Management Reduction Services, LLC (“WMRS”) on or about July 2018 to perform said service as the sole entity known to it at such time that was licensed to perform same, and as federal regulations require that such waste be removed from the Airport within 72 hours from the time it arrives. Under AVPORT’S agreement with WMRS, AVPORTS pays WMRS and is reimbursed by the County.

On or about October 26, 2018, the County published “invitations to bid” for the removal of solid waste from various County locations, except the USDA regulated international solid waste at the Airport, on a non-interim basis. On or about January 10, 2019, the County entered into a contract with City Carting as sole bidder to perform said services (the “County / City Carting Bid Agreement”). The County / City Carting Bid Agreement is for an amount not to exceed \$1,418,722, and has a term from January 12, 2019 through January 11, 2022, with the County having the sole option to renew for one additional two year period.

On or about December 7, 2018, the County published “invitations to bid” for the removal of the USDA regulated international solid waste from the Airport. On or about January 9, 2019, the County conditionally accepted the bid of WMRS as sole bidder to perform said service. However, the County subsequently elected not to contract with WMRS, upon its determination that WMRS’ charge to the County for said service would be greater than what it was charging AVPORTS for said service under the AVPORTS / City Carting Agreement.

Subsequent and in response to the County's commencement of its against IFIC on March 7, 2019, IFIC, commenced a third-party action on May 29, 2020 against R&S, and other entities and certain individuals, for indemnification for any liability it may have to the County.

On July 20, 2020, R&S asserted a counterclaim against the County, alleging that the County breached the County / R&S Agreement. By Decision and Order dated September 16, 2020, the Court dismissed R&S' counterclaim. On or about November 9, 2020, R&S motioned the Court for re-argument of the Court's September 16, 2020 Decision and Order dismissing its claim against the County, which the County opposed, and for which a decision from the Court is pending.

The County has calculated its total damages for the time period from July 9, 2018 through February 28, 2019, in the total amount of \$156, 274.23. However, the County has agreed to settle its claim against IFIC for the total principal amount of \$75,000, given the evaluated attendant risks to full recovery of its damages at trial.

Accordingly, it is advisable that the County Attorney be granted authority to settle the County's claim against IFIC for the total amount of \$75,000.

An affirmative vote of a majority of the Board is required to pass this Act.

Dated: February , 2021
White Plains, New York

COMMITTEE ON

l:cji

AN ACT authorizing the County Attorney to settle an action on behalf of the County of Westchester (the "County") against International Fidelity Insurance Company ("IFIC") for the total amount of \$75,000, regarding breach of an obligation under a payment and performance bond, relating to a breach of an agreement by, and termination of an agreement with, R&S Waste Services, LLC ("R&S"), dated February 16, 2017, for which IFIC is the Surety.

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

Section 1. The County Attorney is hereby authorized on behalf of the County to settle its legal action against IFIC, in the action entitled, *County of Westchester v. International Fidelity Ins. Co.; International Fidelity Ins. Co. v. R & S Waste Services, LLC, et. al*; Index No. 53642 / 2019; Supreme Court of the State of New York, County of Westchester, for the total amount of \$75,000, regarding breach of an obligation under a payment and performance bond, relating to a breach of an agreement by, and termination of an agreement with, R&S, dated February 16, 2017, for which IFIC is the Surety.

Section 2. The County Attorney or his duly designated representative is hereby authorized to undertake all legal proceedings and prepare all documents necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Settlement of Action Against Surety

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 \$ \$75,000.00

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 101-52-1000-1000-9670

Potential Related Operating Budget Expenses: Annual Amount \$ _____

Describe: _____

Potential Related Revenues: Annual Amount \$ _____

Describe: The County will be settling an action to receive \$75,000.

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

Current Year: _____

Next Four years: _____

Prepared by: Christopher J. Inzero

Title: Senior Assistant County Attorney

Department: Law

Reviewed By: _____

Budget Department

1/27/21

If you need more space, please attach additional sheets.

MaryJane Shimsky
Legislator, 12th District
Majority Leader
Co-Chair, Committee on Rules



Committee Assignments:
Appointments
Environment & Health
Law & Major Contracts
Legislation
Parks & Recreation
Public Safety
Public Works & Transportation
Social Services

To: Ben Boykin, Chairman of the Board of Legislators
Sunday Vanderberg, Clerk of the Board of Legislators

From: MaryJane Shimsky, Majority Leader, 12th District

Date: February 3, 2021

Re: Resolution in support of the commemoration of the 250th anniversary of our nation

Please refer the attached resolution, supporting the commemoration of the 250th anniversary of our nation in conjunction with state, regional, and local initiatives, to the appropriate committees on the February 8, 2021 Westchester County Board of Legislators agenda.

RESOLUTION -2021

Westchester County Resolution to Support the Commemoration of the 250th Anniversary of our Nation in Conjunction with State, Regional, and Local Initiatives

WHEREAS, the United States Congress established the United States Semiquincentennial Act of 2016, and President Barrack Obama signed Public Law 114-196, the “United States Semiquincentennial Commission Act of 2016”; and

WHEREAS, the purpose of this Act was to establish a Commission to provide for the observance and commemoration of the 250th anniversary of the founding of the United States and related events through local, State, national and international activities planned, encouraged, developed and coordinated by a national commission representative of appropriate public and private authorities and organizations; and

WHEREAS, The New York State Legislature in 2020 introduced in the Assembly and in the Senate an act to be known as the “New York state two hundred fiftieth commemoration act”, an act to amend the parks, recreation and historic preservation law by adding a new section to establish a New York state two hundred fiftieth commemoration commission, along with other related sections; and

WHEREAS, the Office of the New York State Historian, is supportive of the observance and commemoration of the 250th anniversary, has held regional meetings across the State, and has established the Revolutionary NY250 Working Group, with nearly 50 members from across the state who are sharing information and opinions about the outlines of a New York State approach to the 250th commemoration; and

WHEREAS, the County of Westchester, including the Office of the County Executive, the County Office of Tourism & Film, and the County Board of Legislators, has been working together since 2018 to provide assistance and funding to support efforts to build awareness and support for the Commemoration, specifically cooperating with Revolutionary Westchester 250 Inc., a not-for profit corporation with a mission to help build awareness and excitement for the events, places, ideals and people—both unsung and famous—of the Revolutionary War period in Westchester County; and

WHEREAS, The County of Westchester invested in the restoration of the Miller House, a pivotal resource in the understanding of the County’s history of the Revolutionary War period; and

WHEREAS, The Town of Greenburgh, the State of New York and the Friends of the Odell House Rochambeau Headquarters have begun robust efforts to secure, preserve and restore the important Revolutionary War structure Odell House Rochambeau Headquarters in order to have it restored and functioning as a museum during the 250th commemoration events, and

WHEREAS, The County of Westchester’s Department of Parks, Recreation and Conservation has committed to the use of Ward Pound Park Reservation for a reenactment of the Battle of

White Plains in 2026 as part of the National Commemoration of the American Revolution and the White Plains Historical Society and the City of White Plains have for many years encouraged educational programs to build awareness of the Battle of White Plains; and

WHEREAS, Revolutionary Westchester 250 has held popular and well attended public events since 2018, in diverse communities and now virtually, and has created a website, Facebook and YouTube presence, produced a regular newsletter, created an advisory group of local public and private stakeholders, with County Executive Latimer as honorary chairperson, engaged volunteers and local organizations, been awarded grants and received donations to support the efforts, and has taken steps in coordination with State and Federal level 250th organizers; and

WHEREAS, the Westchester County Historical Society is supportive of the work of Revolutionary Westchester 250 and the State, regional and federal initiatives to commemorate the 250th anniversary; and

WHEREAS, various local communities and historical societies and libraries have become engaged with the commemorative efforts including the Town of Yorktown whose board passed a resolution on February 18, 2020 establishing the Yorktown 250 Committee, to commemorate Yorktown's local history in conjunction with the history of the U.S., New York State and Westchester County; and work in coordination with the federal, State, regional and county initiatives; and

WHEREAS, research shows that cultural heritage tourists have higher incomes, stay longer and spend more than most other tourists, and this generally benefits local business; and

WHEREAS, well-crafted and well publicized activities related to historic events, people, stories and sites, with suggested links to recreational opportunities, will also generate increased business activities and local tax revenues; **NOW THEREFORE BE IT**

RESOLVED, that the Westchester County Board of Legislators will, as appropriate, collaborate with local, county, regional, state and national groups to plan, publicize and implement 250th Anniversary events and programs; and be it further

RESOLVED, that the Westchester County Board of Legislators pledges, as appropriate, to work with Revolutionary Westchester 250 and all involved institutions and organizations, in support of their efforts to create meaningful programming about Westchester County's role in the founding of our country and the creation of ideals embodied therein; and to assist them in publicizing said programming and making it available to everyone throughout the County, State and nation.

COMMITTEES ON

2020 Annual Report

WESTCHESTER COUNTY CLERK

Timothy C. Idoni
Westchester County Clerk



WESTCHESTER COUNTY CLERK

Timothy C. Idoni
County Clerk

January 28, 2021

Honorable George Latimer
County Executive
148 Martine Avenue
White Plains, New York 10601

Honorable Members of the
Westchester County Legislature
148 Martine Avenue
White Plains, New York 10601

Honorable Colleagues:

I hereby submit the Annual Report of the Westchester County Clerk for the fiscal year 2020. The duties of the County Clerk are mandated by the New York State Constitution and by federal, state and local law. These duties are carried out by dedicated staff who work diligently to serve the public.

Each service provided by the County Clerk's office impacts the lives of residents and businesses throughout the county and the nation. Each deed, mortgage, court record, judgment, business certification or incorporation and pistol license is filed and recorded in the Office of the Westchester County Clerk.

The Office of the Westchester County Clerk collected \$225,340,988.31 in revenue in 2020, of which \$29,879,288.65 was turned over to the county. The expenditures for the County Clerk's office in 2020, totaling \$6,379,740.20, are more than offset by the \$9,107,035.05 in departmental fees collected.

Our office collects fees on behalf of numerous federal and state agencies, and paid out the following 2020 revenue:

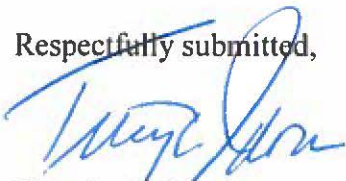
- \$72,669,919.55 to the New York State Department of Taxation and Finance for transfer tax
- \$46,619,319.65 to the Metropolitan Transit Authority for mortgage tax
- \$4,607,168.00 to the Unified Court System for court filing fees
- \$2,690,773.29 to the State of New York Mortgage Agency for mortgage tax
- \$1,868,965.00 to the New York State Office of Real Property Tax Services
- \$1,374,369.75 to the New York State Cultural Education Fund
- \$458,132.75 to the New York State Records Management Improvement Fund
- \$74,720.00 to the New York Department of State for Notary Public renewals

In 2020, the Office of the Westchester County Clerk saw continuing growth in the electronic submission of records throughout the office. By the end of the year, over eighty-three percent of land records such as deeds and mortgages were being submitted to the office electronically as part of a voluntary e-Recording initiative. In addition, over eighty-six percent of civil cases were commenced electronically, whether pursuant to state mandate or voluntarily.

As we enter the new year, my goals for the Office of the Westchester County Clerk continue to include service through technology, increasing productivity through professional management and a customer friendly environment for those who need to visit our office, and facilitating commerce throughout the county through cooperation and effectiveness. We will continue to face the financial challenges all local governments face head on and remain committed to improving our services while reducing costs to our residents.

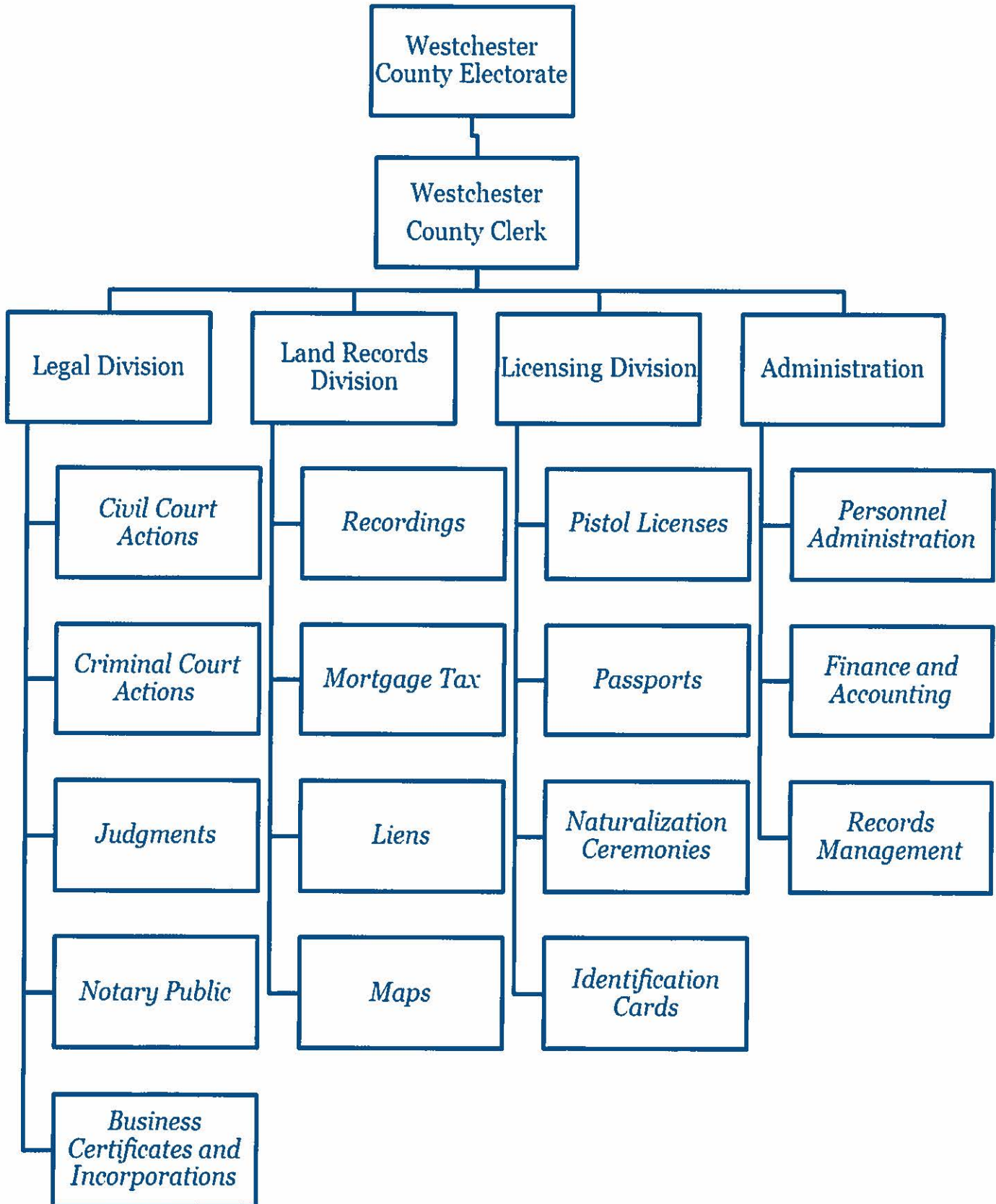
I want to thank the County Executive and the County Legislature for continuing to provide the resources to allow the Office of the County Clerk to meet its mandates and fulfill its fiduciary responsibilities on behalf of the residents of Westchester County and beyond.

Respectfully submitted,



Timothy C. Jdoni
Westchester County Clerk

Office of the Westchester County Clerk Organizational Chart



Services Provided by the Office of the County Clerk

Land Records Division

- Recording land records, including deeds, mortgages, assignments, and satisfactions
- Collection and processing of New York State mortgage and transfer taxes
- Filing of maps, UCC statements, Federal tax liens, Notices of Common Charges, and other federal liens

Legal Division

- Fee collection and filing of court records for Supreme and Westchester County courts
- Administration of Notary Public and Commissioner of Deeds licenses
- Administration of the Domestic Partnership Registry
- Filing of Business Certificates and Incorporation records from New York State
- Filing of Small Claims Assessment Review petitions
- Filing of Veterans Military Discharge papers

Licensing Division

- Processing of United States Passport applications
- Administration of Pistol Licenses
- Issuance of Westchester County Identification Cards
- Host and Administration of Oath of Allegiance to newly naturalized United States citizens
- Operation of Mobile Passport Office to bring services to municipalities and events throughout the County

Administration

- Subscription Service for WRO access to land and legal records, foreclosure lists, judgments, and other records
- Financial Reporting to partners in federal, state and county government
- Administering and Filing of Oaths of Office
- Provision of certified copies of all recordings and filings

OPERATING BUDGET

2020/2021 Comparison

	<u>Actual</u> 2020	<u>Adopted</u> 2021
Positions		
Operating Budget	67	64
Operating Budget Expenditures		
Personal Services	\$4,559,962.81	\$4,606,504.00
Equipment	\$1,349.00	\$2,410.00
Materials & Supplies	\$61,129.84	\$101,600.00
Expenses	\$66,321.43	\$155,865.00
Inter-Departmental Charges	<u>\$1,690,977.12</u>	<u>\$1,783,300.00</u>
	\$6,379,740.20	\$6,649,679.00
Operating Budget Revenues		
Departmental	<u>\$9,107,035.05</u>	<u>\$8,500,854.00</u>
Department Tax Levy	(\$2,727,294.05)	(\$1,851,175.00)

Office of the Westchester County Clerk

Total Funds Collected and Distributed for Fiscal Year Ending December 31, 2020

County Clerk Fees Collected

Land Records Division

Recording Fees	\$6,457,818.45	
Real Property Transfer Report Fee	\$133,785.00	
Administrative Fee, Refund Processing	\$3,806.15	

Legal Division

Filing Fees	\$760,427.52	
DWI Surcharges	\$58,840.00	
Criminal Fines	\$48,195.00	

Licensing Division

Filing Fees	\$146,286.08	
Interest	\$5,030.74	

Other (Online Access, Copiers)

Public Copiers	\$451,090.00	
Workstation/phone	\$4,391.00	
Unclaimed funds	\$1,087.50	
	\$0.00	

\$8,070,758.34

Mortgage Tax Collected

Paid to Westchester County

Westchester County Mortgage Tax	\$21,763,718.89	
Local Mortgage Tax	\$59,701,326.04	
Yonkers Mortgage Tax	\$4,405,540.34	
Reimbursement for Processing Costs	\$991,465.29	
Interest, County Portion	\$17,338.54	

Paid to Metropolitan Transit Authority

\$46,619,319.65

Paid to State of New York Mortgage Agency

\$2,690,773.29

\$136,189,482.04

New York State Real Estate Transfer Tax

Paid to Westchester County

Recording Officer's Fee	\$12,858.50	
Interest, County Portion	\$14,614.38	

Paid to NYS Department of Taxation & Finance

\$72,669,919.55

\$72,697,392.43

Court Revenue

Paid to the Unified Court System

\$4,607,168.00

Notary Revenue

Paid to NYS Department of State

\$74,720.00

Records Management Improvement Fund

Collected from Court Filings	\$82,735.50	
Collected from Land Records Filings	\$375,397.25	

Cultural Education Fund

Collected from Court Filings	\$248,178.00	
Collected from Land Records Filings	\$1,126,191.75	

\$1,832,502.50

Equalization and Assessment

Paid to NYS Office of Real Property Services

\$1,868,965.00

Total Collected and Disbursed:

\$225,340,988.31


State of New York

County of Westchester

Timothy C. Idoni, being duly sworn, says he is the County Clerk of the County of Westchester; that the foregoing statement is in all respects a full and true statement of moneys received by him as such clerk, to the best of his knowledge and belief.

Sworn to before me this 28th day of January, 2021


CAROL FUMANTI ARCURI
 Notary Public, State of New York
 No. 02AR4665201


 Timothy C. Idoni

Qualified in Westchester County
 Commission Expires 09/30/2021

Land Records Division

Total Funds Collected and Distributed for Fiscal Year Ending December 31, 2020

	<u>Fee</u>	<u>No Fee</u>	<u>Rec. Mgmt</u>	<u>County Share</u>
Conveyances:				
Assignment of Lease and Rents	710	0	13,490.00	55,816.50
Contract	22	0	418.00	1,327.00
Declaration	150	6	2,850.00	14,181.50
Dedication	0	0	-	-
Deed	14,750	7	280,250.00	624,233.00
Deed Agreement	148	2	2,812.00	9,778.50
Deed, Correction	114	0	2,166.00	4,979.50
Easement	210	1	3,990.00	15,690.50
Lease Agreement	953	2	18,107.00	43,795.50
Letters of Patent	1	0	19.00	56.00
Release of Lien of Estate Tax	47	0	893.00	2,092.00
Release of Mortgage	248	0	4,712.00	12,717.50
Mortgages:				
Assignment of Mortgage	8,423	13	160,037.00	318,616.00
Mortgage	21,870	46	415,530.00	2,421,577.00
Mortgage Agreement	584	12	11,096.00	35,118.00
Mortgage, Correction	68	2	1,292.00	7,988.50
Registered Agreement	6,768	0	128,592.00	1,208,086.50
Satisfactions of Mortgage:				
Satisfactions of Mortgage	19,005	7	361,095.00	912,620.00
Miscellaneous:				
Affidavit	0	0	-	-
Agreement	6	0	114.00	306.00
Certificate	0	0	-	-
Commitment	0	0	-	-
Judgment	5	0	95.00	315.00
Negative Pledge Agreement	1	0	19.00	41.00
Notice of Appropriation	0	66	-	-
Order	67	0	1,273.00	4,757.00
Power of Attorney	4,868	0	92,492.00	282,833.00
Power of Attorney, Revocation	2	0	38.00	62.00
Statement Identifying Property	11	0	209.00	376.00
Waiver	0	0	-	-
Other:				
Cross-References Entered	85,987	0	-	42,993.50
Transfer Tax Return Filing Fee	15,406	0	-	77,030.00
Mortgage Tax Affidavit Filing Fee	9,095	0	-	45,475.00
Customer Service:				
Certified Copies, Copies, Searches	2,639	0	-	38,155.00
Map Copies	358	0	-	2,996.00
Administrative Fee, Refund Processing		0		3,806.15
Adjustments		0		-
Liens:				
Ucc Filed	7,501	0	-	219,940.00
Federal tax liens filed	1,311	0	-	52,440.00
Other Federal Liens	1	0	-	7.00
Notices of Common Charges	196	0	-	980.00
Certified Copies, Copies, Searches	31	0	-	438.45

2020 Land Records Division Total:

1,501,589.00

6,461,624.60

Legal Division

Total Funds Collected and Distributed for Fiscal Year Ending December 31, 2020

	<u>Cost</u>	<u>Fee</u>	<u>No Fee</u>	<u>State Share</u>	<u>County Share</u>
Business Filings					
Business Certificates	\$25.00	1,548	153	0	38,700.00
Incorporations from NYS	Varies	5,585	0	0	47,042.00
Religious Corporations	\$25.00	25	0	0	625.00
Certified Papers					
Certified Copies	varies	9,876	0	0	66,583.20
Commissions	varies	355	0	0	1,790.00
Executions	\$5.00	150	0	0	750.00
Exemplifications	\$10.00	305	0	0	3,050.00
Matrimonial Dissolutions	\$5.00	1,997	12	0	9,985.00
Transcripts Issued	\$5.00	150	0	0	750.00
Veteran's Permits	\$0.00	0	5	0	-
Court Fees					
Commencements (Index Numbers)	\$210.00	16,604	241	3,055,136.00	431,704.00
Foreclosure Surcharge	\$190.00	367	0	69,730.00	-
Judgment Transcripts Filed	\$10.00	1,018	1,859	-	10,180.00
Judgments Entered	\$45.00	1,770	92	79,650.00	-
Jury Demand	\$65.00	565	0	36,725.00	-
Liens/Small Liens	Varies	1,557	152	15,428.00	26,312.00
Motion	\$45.00	4,747	19	213,615.00	-
Note of Issue	\$30.00	3,623	27	108,690.00	-
Notice of Appeal	\$65.00	821	10	53,365.00	-
Order to Show Cause	\$45.00	1,599	22	71,955.00	-
Request for Judicial Intervention	\$95.00	7,971	333	757,245.00	-
Separation Agreement	\$5.00	18	0	-	90.00
Small Claims Assessment Review	\$30.00	6,378	0	159,450.00	31,890.00
Stipulation	\$35.00	6,729	2	235,515.00	-
Subpoenas	\$20.00	20	1	-	400.00
Trial De Novo	\$75.00	1	0	75.00	-
Criminal Fines and Civil Sanctions:					
Criminal Fines	Varies	36	0	-	48,195.00
Felony Surcharge	Varies	111	0	32,091.00	-
Misdemeanor Surcharge	Varies	60	0	10,705.00	-
Violation Surcharge	Varies	34	0	3,488.00	-
Sex Offender Registration	\$50.00	9	0	450.00	-
DNA Data Bank Registration	\$50.00	152	0	7,600.00	-
Crime Victims Assistance Fee	Varies	198	0	4,885.00	-
Supplemental Sex Offender	\$0.00	8	0	8,000.00	-
Criminal Penalty for DWI	Varies	71	0	13,845.00	-
Criminal Fine for DWI	Varies	64	0	-	58,840.00
Sanctions	Varies	0	0	-	-
Domestic Partnership Registry					
New Filings	\$25.00	190	0	-	4,750.00
Amendments	\$25.00	1	0	-	25.00
Terminations	\$25.00	20	0	-	500.00
Notary Public Administration					
Authentication of Notaries Public	\$3.00	6,603	0	-	19,809.00
Character Cards Filed	\$10.00	65	0	-	650.00
Character Cards Issued	\$5.00	210	0	-	1,050.00
Notary Public Renewals	\$60.00	2,119	0	74,720.00	51,680.00
Reports					
Business Filing Report	\$20.00	2,119	0	-	-
Foreclosure Filing Report	\$20.00	14	0	-	280.00
Judgment/Lien Report	\$30.00	0	0	-	-
Other Filings and Services Adjustments					
	Varies	1,505	4	24.50	11,932.92 (100.60)
2020 Total Legal Division:				<u>\$5,012,387.50</u>	<u>867,462.52</u>

Licensing Division

Total Funds Collected and Distributed for Fiscal Year Ending December 31, 2020

	<u>Fee Count</u>	<u>No Fee</u>	<u>Cost</u>	<u>Total</u>	
Passport Fees Collected:					
Processing Fees	1,917	0	\$35.00	\$67,095.00	
Photo Fees	1,578	0	\$10.00	\$15,780.00	
Photo Fees (Senior)	120	0	\$7.00	\$840.00	
Miscellaneous	29	0		\$95.00	\$83,810.00
Pistol License Administration:					
New Applications	491	8	\$10.00	\$4,910.00	
Amendments	3,019	0	\$3.00	\$9,057.00	
Recertifications	2,477	449	\$10.00	\$24,770.00	
Dealer/Gunsmith	12	0	\$10.00	\$120.00	
Transfers	140	0	\$5.00	\$700.00	
Photo Fees	595	0	\$10.00	\$5,950.00	
Replacement	69	0	\$5.00	\$345.00	
Photo Fees (Senior)	3	0	\$7.00	\$21.00	
Miscellaneous	0			\$0.00	\$45,873.00
Naturalization Ceremony Administration:					
Ceremony Administration Fees				\$4,926.08	
Certified Petitions	106	0	\$5.00	\$530.00	
Certified Letters	17	0	\$5.00	\$85.00	\$5,541.08
Westchester County Identification Cards:					
Cards Issued	611	0	\$8.00	\$4,888.00	
Photo Fees (Senior)	4	0	\$7.00	\$28.00	
Photo Fees	621	0	\$10.00	\$6,210.00	\$11,126.00
Adjustments					-\$64.00
2020 Licensing Division Total:					<u>\$146,286.08</u>

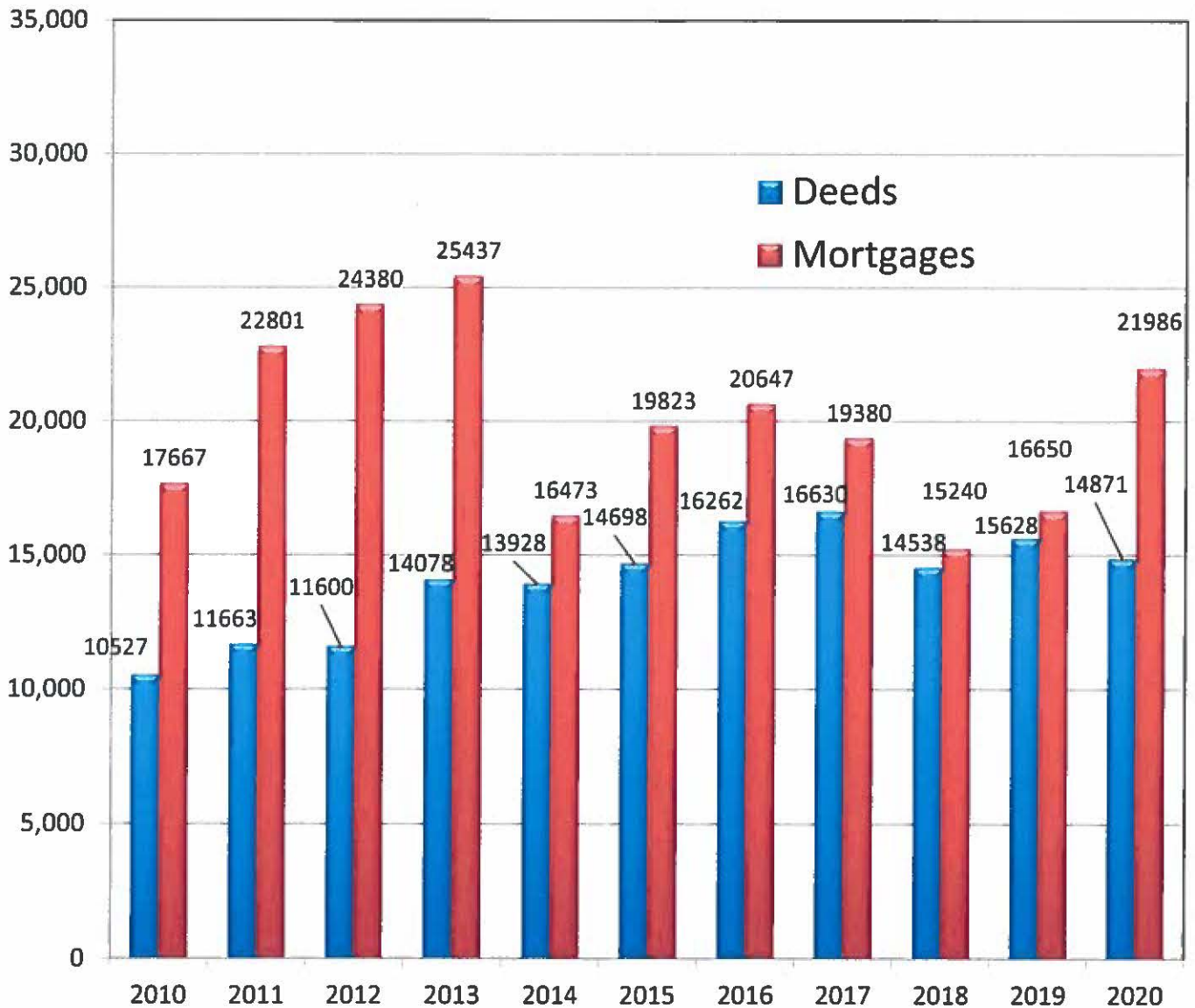
Highlights and Initiatives

- **COVID-19 Initiatives:** In accordance with the Governor's guidelines for Reopening New York, the County Clerk's office developed a plan for adherence to and the provision for safety of our staff and the general public. In facing the challenges of maintaining administrative efficiency and effectiveness while handling all public interaction with the Supreme and County courts, the county's entire real estate transactional business and licensing-type functions of pistols, passports and business licenses, changes were made to the Office physical layout to allow for distancing of six feet between each staffer; and to ensure distancing between staffers and the public, the passport counter was moved to the Land Records division and Plexiglas shields were installed at all public counters; the telework program was implemented allowing approximately two-thirds of the Land Records Division to process real estate transactions through our Property Records Electronic Portal (PREP) system; appointments through the County Clerk's scheduling software program are requested of visitors, and a locked dropbox was placed in the courthouse lobby for document delivery other than USPS, FedEx, and UPS.
- **Commission Appointment:** In June, 2020, Chief Judge Janet DiFiore appointed the County Clerk to a new commission charged with examining the enhanced use of technology and online platforms, and other innovations, to improve the delivery and quality of justice services by the New York State court system. The County Clerk joins a distinguished group of judges, lawyers, academics and technology experts, as a member of the "Commission to Reimagine the Future of New York's Courts", in the exploration and recommendation of regulatory, structural, and technological innovations in the Commission's development of a blueprint for the court system of tomorrow.
- **Notice of Conveyance of Residential Real Property:** Due to the rise in real estate and mortgage fraud, NYS Real Property Law Section 291 was amended, effective March 11, 2020, requiring the County Clerk, upon the recording of a conveyance of residential real property, to mail a notice of any such conveyance to the owner of record. The intent is to prevent others from posing as new owners of a home with the ability to obtain a home equity line of credit. The County Clerk has alerted the public to this new law and continues to mail notices to the record owners of the real property with details of the recording of any such conveyance.
- **E-Filing and E-recording:** Approximately 86% of civil actions are commenced electronically through the NYS electronic filing system and approximately 83% of the land record documents are currently e-recorded. Electronic recording has been a tremendous success, significantly increasing the efficiency of the filing and recording and reducing manual labor. Programs and procedures are now being developed in coordination with the DA's Office and the courts to allow for e-filing of criminal cases which could lead to an additional estimated 5% reduction in paper. Further reduction in paper filings is anticipated with the recent authorization of e-filing of election law cases and special proceedings under the Mental Hygiene Law.
- **Renovation in Office Space:** Plans are being redeveloped under the leadership of the County Executive and DPWTR for the complete renovation of the 32,000 square feet of office space currently occupied by the Clerk's office. With the automation of department functions and the resultant reduction in staffing needs, space may be opened up for adaptive reuse by another County department. This will bring about efficiency in dealing with the daily visitors to the office and also generate savings in rental costs for the County.
- **Mobile Community Outreach Vehicle:** The County Clerk's office has been running a very successful Community Outreach program featuring a custom built truck throughout Westchester since 2002. The program features 35-40 stops per year to every town and city in the county. Over 1,000 passport applications and photos are processed through the mobile office on an annual basis. Due to a significant increase in public usage of the mobile office services, the County Clerk increased the number of passport agents working in the outreach unit from 2 in 2018 to 4 in 2019, serving an average of 40 residents per visit. A new more efficient and ADA compliant vehicle has been purchased which is expected to be in operation for the 2021 mobile office community outreach cycle.
- **Access to the County Clerk's Land and Legal Public Viewer - Westchester Records Online ("WRO"):** In an effort to assist the municipalities in meeting the needs of their constituents and in preventing neighborhood blight, the County Clerk requested and received approval to enter into no cost license agreements with local municipalities, on an as needed basis, for remote access to *WRO*. The municipalities have free remote online access to weekly foreclosure reports in the *WRO* that contain data from recently commenced actions including the mortgagor, mortgagee, property location, and a reference to the pending court action.

Statistics of Interest

Indicators from our Land Records Division

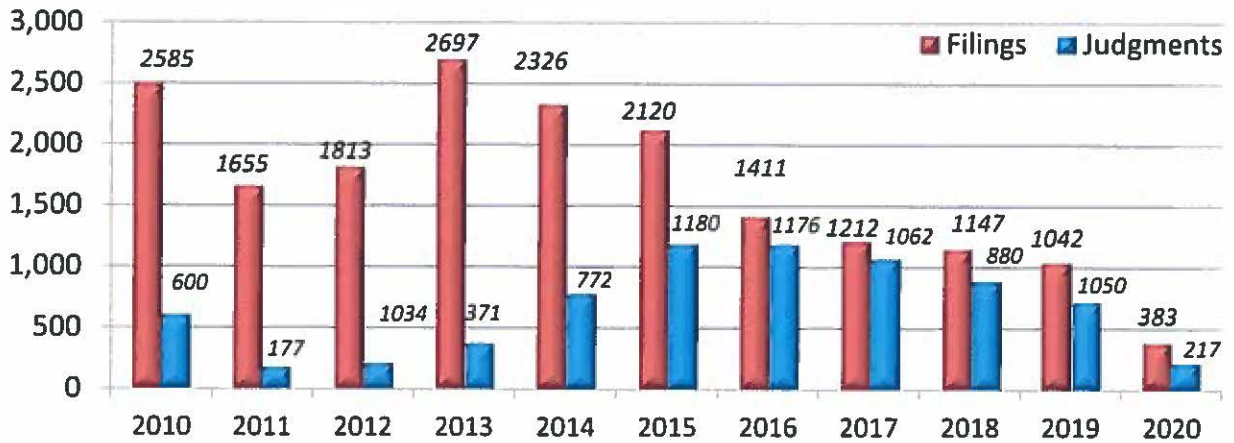
Deeds and Mortgages Recorded



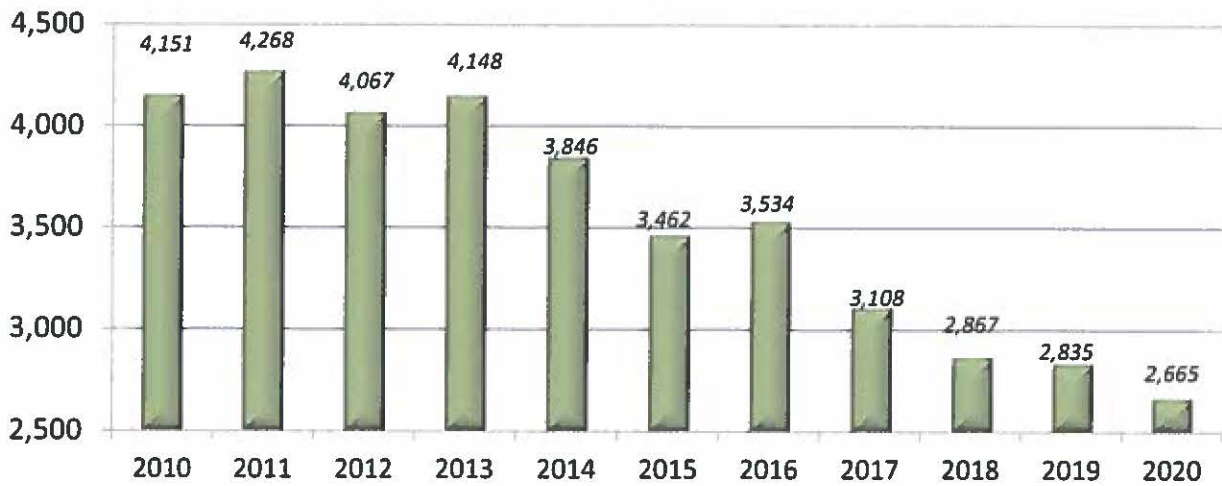
Statistics of Interest

Indicators from our Legal Division

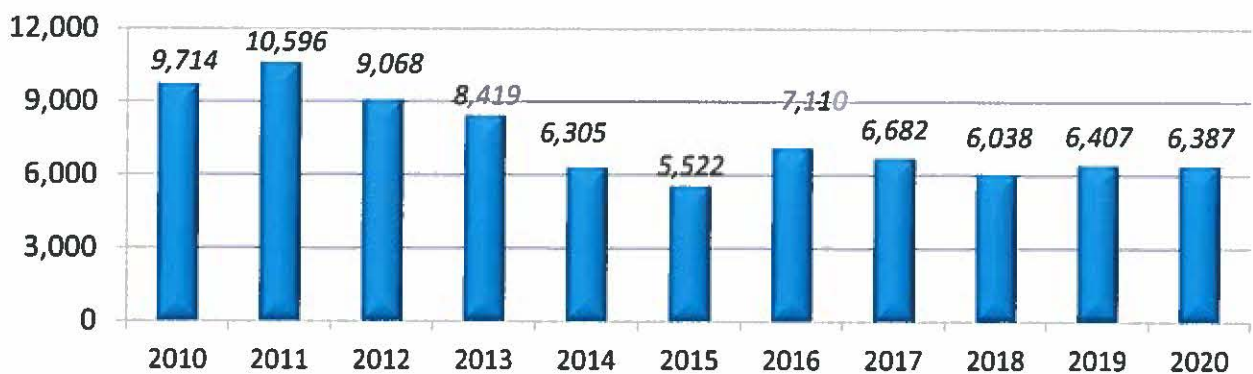
Foreclosure Filings and Judgments



Tax Certiorari Proceedings Commenced

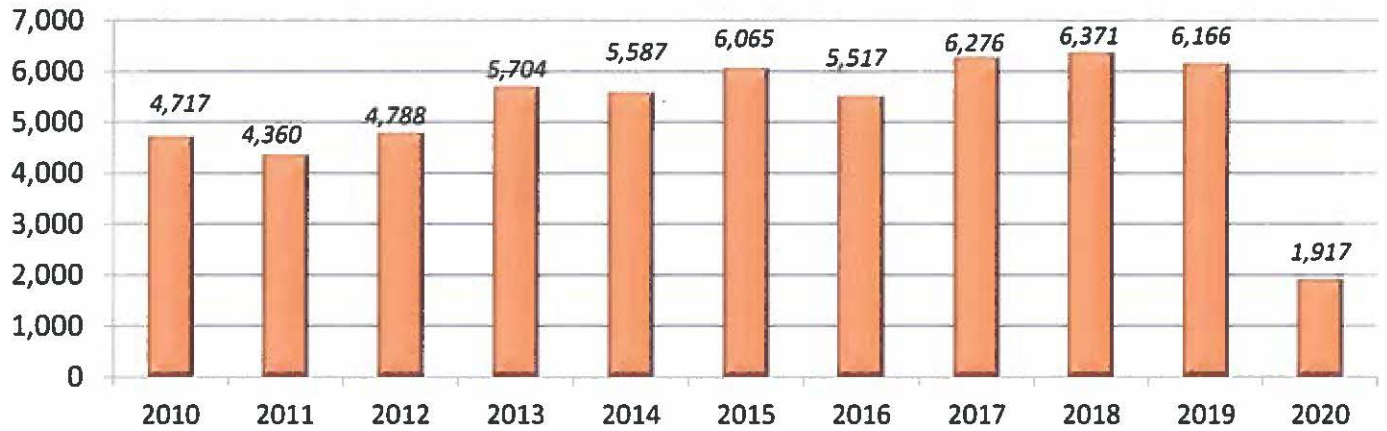


Small Claims Assessment Review Petitions Filed

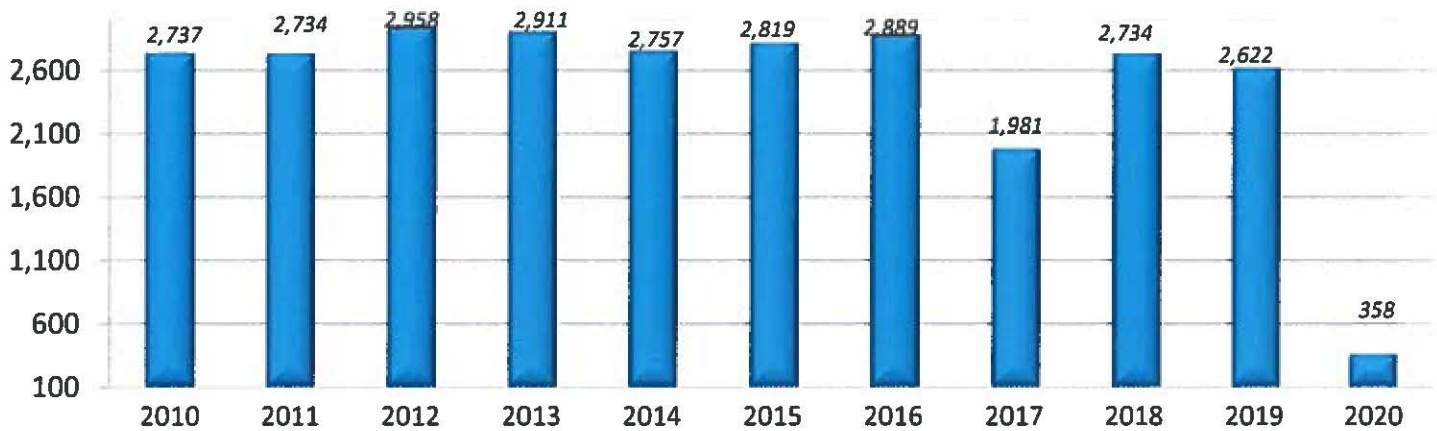


Statistics of Interest *Indicators from our Licensing Division*

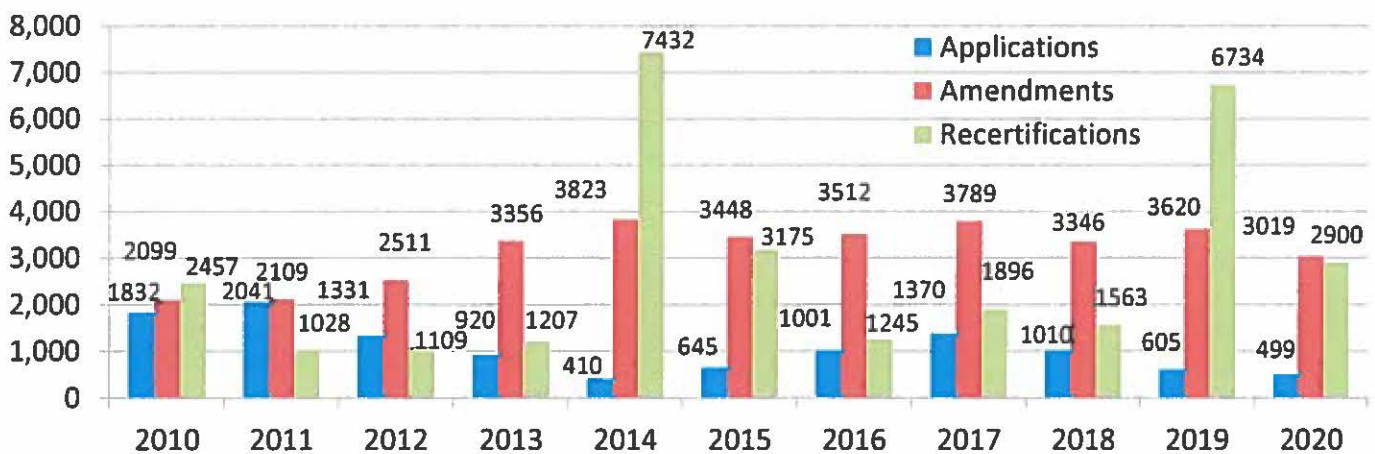
Passport Applications



Naturalizations



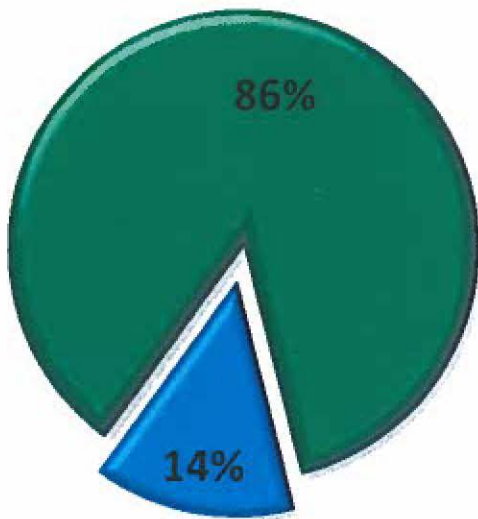
Pistol License Applications, Amendments, Recertifications



Electronic Filing and Recording

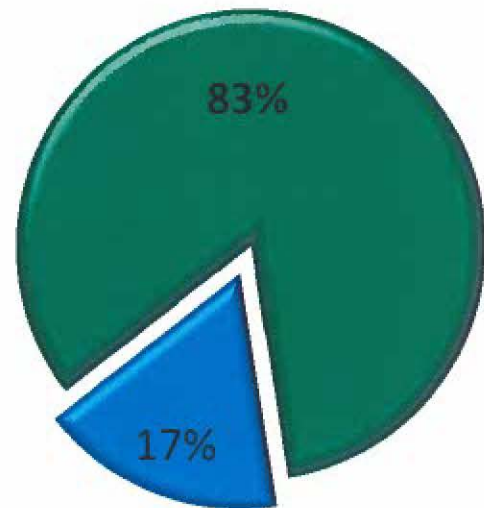
Civil Actions

Approximately **86%** of our civil actions are commenced electronically through the NYS Courts electronic filing system.



Land Records

Approximately **83%** of the documents submitted to the Land Records Division are submitted electronically as part of a **voluntary eRecording program**.



County Clerk's Westchester Records Online Program ("WRO").

For the period of January 1, 2020 through December 31, 2020, **3,454,172** searches were conducted in WRO. Online reports of foreclosure filings and judgments have been made available to local municipalities as a "shared service" to assist in preventing zombie homes.

