

**DEPARTMENT OF LAW**  
**Patricia Zugibe, County Attorney**

**2010 Accomplishments**

- Commenced a lawsuit (Vanderhoef v. Silver, et al.) against the Metropolitan Transportation Authority (“MTA”), the State of New York and various state legislators challenging the constitutionality of the imposition of a “mobility tax” levied by the State on behalf of the MTA and seeking monetary damages from the MTA for the County’s \$42 million ‘value gap’ between the amount of money paid by Rockland County taxpayers to the MTA as compared to the services it receives from the MTA. The matter is pending in Albany County Supreme Court before Justice Thomas McNamara.
- Worked with the Department of Planning, Consultant, BFJ Planning, County Executive officials and Legislative officials in the preparation of a Draft Generic Environmental Impact Statement (“DGEIS”) and Draft Comprehensive Plan for the County of Rockland. Researched the General Municipal Law, Environmental Conservation Law, and State Environmental Quality Review Act (“SEQRA”) rules and regulations regarding adoption of the comprehensive plan. Routinely attended bi-weekly meetings of the Technical Advisory Committee (“TAC”) and attended public workshops and scoping session. Provided legal guidance as required and prepared all necessary resolutions and notices for the Draft Comprehensive Plan and DGEIS. Reviewed draft versions of plan and DGEIS and recommended revisions. The Public Hearings on the DGEIS and Draft Comprehensive Plan were held on December 20, 2010 with a required public comment period through December 31, 2010.
- Researched legality of licensing the use of five (5) acres of public property (Cropsey Farm) to a not-for-profit agency to utilize as a community supported agriculture program. Attended meetings and conducted negotiations between Rockland Farm Alliance, Inc. (“RFA”), County officials and officials from the Town of Clarkstown. Developed all required agreements to permit RFA to establish an organic community supported agriculture and educational program to preserve, restore, and create farmland and sustainable food production in Rockland County.
- Prepared and assisted with the implementation of the NYS Early Retirement Incentive for County Employees.
- Obtained judgments of foreclosure on sixteen (16) parcels, (In Rem #10241/07) giving the County title and permitting the sale of these parcels at public auction on June 9, 2010.
- Monitored the new tax foreclosure action (In Rem Foreclosure Case #11916/08) involving approximately 400 tax delinquent properties (08’ In Rem). The redemption date was May 14, 2010.

- Successfully collected, via negotiated stipulations and court orders with taxpayers, approximately **\$684,792.00** from various tax delinquent parcels during the year.
- Continued to work with taxpayers for repayment of the delinquent taxes via Court Ordered Stipulation up until the auction in 2011. There are approximately 50 tax delinquent properties remaining as of this date.
- Achieved a successful outcome for the County in an Article 78 challenge to the Real Property Tax Service Officer's recommendation to deny and the Legislature's determination to deny a correction of tax application.
- Successfully assisted the Board of Elections ("BOE") implementation of a permanent plan for compliance with State and Federal laws mandating the use of new election system technology including optical scan machines and ballot marking devices for each election district in Rockland County. The RC BOE was one of the first counties in the State to comply with the regulations requiring acquisition of the new technology as well as complex testing, training and proper implementation before, during and after elections. This major transition was seamless and the County was viewed as a model throughout the State.
- Represented RC BOE in a series of Election Law court challenges from the summer through the end of the year. For example:

An impound order was issued by a court in Albany on Election Day affecting all Election Boards throughout the State. One day later, the Department of Law was successful in obtaining a limitation on the order as applicable to Rockland County. Subsequent impound orders against the County BOE were also successfully vacated and other court proceedings were dismissed, likewise limiting the cost to the County and freeing the Commissioners to perform all of their post-election functions, and report its results, in a timely manner.

- Successfully assisted in the establishment of a weekly Farmers Market on county property without any long-term leases, insurance increases or other county obligations. Managed and operated by private corporations, and initiated at the request of the Town of Clarkstown, the market affords county residents the opportunity to acquire fresh and locally grown products while supporting local agriculture, business and tourism.
- Revised the written County EEO Program to reflect changes in Human Rights laws and regulations. The revised draft has been finalized and will be submitted to the County Executive for approval. Department Heads will be trained subsequent to its approval.
- Worked with the County Executive's Office to update the County's official EEO and Anti-Discrimination statement.

- Worked with the Insurance Department to complete the Implementation of the Workplace Violence Reduction Program. Investigation procedures, complaint resolution protocols, rules to govern the Hazard Reduction Team and curricula for training were developed and implemented. Training for County employees has been completed.
- Successfully assisted Outside Counsel to the Rockland County Sewer District No. 1 in settling the matter of The State of New York and Peter M. Inwanowicz, as acting Commissioner of the New York State Department of Environmental Conservation v. the County of Rockland, et al. limiting the County's exposure to liability relating to hazardous material at the Clarkstown Landfill.
- Worked with college administrators on student issues relating to collections, bankruptcy, small claims matters, requests for evidence, immigration issues and degree requirements, mental health issues, off campus criminal conduct, disabled students and programming, and human resources matters including employees with excessive absences, performance issues, English only policy in light of business necessity and EEOC guidelines, 55-B hiring preference, FMLA, and the use of social networks in disciplinary matters.
- Drafted a new Employment Agreement for the President of Rockland Community College. The agreement was ratified by the Legislature.
- Reviewed and/or updated RCC policies including the student code of conduct, student death policy and retention, tenure and promotion policy.
- Assisted the Department of Mental Health ("DMH") with drafting a new policy and procedure governing breach notification in compliance with the requirements of the Health Information Technology for Economic and Clinical Health ("HITECH") Act. Revised the Business Associate Agreement that is annexed to relevant DMH contracts in compliance with the requirements of the HITECH Act.
- Conducted a training seminar at DMH during which the requirements of both the HITECH Act and the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") were explained to the participants.
- Total 2010 collections received on behalf of Summit Park Hospital and Summit Park Nursing Care Center were \$894,344.01.
- Total 2010 collections on behalf of the Department of Mental Health were \$14,558.54.
- Total 2010 collections on behalf of the Office of Weights and Measures were \$10,900.00.

- Secured the Youth Bureau's compliance with the DCE-100/DCE-200 process and County insurance requirements on all contracts. Revised and updated all YB contract forms. Secured Youth Bureau's compliance with the requirement for Certifications of Local Approval in connection with requests for resolutions and contracts that involve the use of federal or state grants.
- Assisted Department of Mental Health with revising its debt collection practice and procedure. Coordinated implementation with NCO Financial Systems, DMH debt collection agency for certain accounts.
- Developed and assisted in the implementation of the Guidelines for Use of County Technology Resources.
- Updated Article 2-B Legal Procedures for use in Local Emergencies.
- Assisted in the creation and implementation of the Jobs Database for the County.
- Worked with the Department of Public Transportation and other county departments, consultant STV Incorporated, State Department of Transportation, Federal Transit Administration (“FTA”), and representatives of Coach USA, to resolve differences and resume contract negotiations for transit operations for 2010 and to prepare RFP for future provision of transit operations for Transport of Rockland (“TOR”) and TAPPAN ZEEExpress bus services in compliance with FTA mandate.
- Devoted additional time and effort this past year on increasing Medicaid, Public Assistance and Food Stamps recoveries. Total recoveries in 2010 were approximately \$3.5 million.
- Conducted regular trainings with Child Welfare staff on important issues involving changes in legislation. The most significant piece of legislation is the new subsidized legal guardianship statute that becomes effective April, 2011.
- Continued to pursue child support collections.
- Developed and conducted seminars concerning the False Claims Act and Section 1983 Civil Rights violations. A key focus was departmental and managerial responsibilities, legal compliance issues and methods to reduce potential county and personal liability.
- Coordinated Ethics Training for all Department Heads and Members of County Boards and Commissions.
- Continued to conduct Legal Issues Meetings to review employment legal issues. Five meetings were held during 2010 covering legal matters of concern to Department Heads.

## **2011 Goals**

- Work with Board Secretary to Rockland County Sewer District No. 1 to streamline Minutes from Board Meetings; review Open Meetings Requirements; improve Best Practices; and counsel with respect to Resolution Drafting.
- Revise EEO/Equity and Compliance Policies for Rockland Community College.
- Work with the Rockland County Clerk and the Office of Court Administration to implement an e-filing requirement in Rockland County Supreme Court.
- Conduct Trainings for College Employees concerning legal issues specific to public higher education.
- Secure the Department of Mental Health's compliance with its revised debt collection practice and procedure and to facilitate the referral to this office for collection of all inpatient accounts in the amount of \$10,000 or more and all outpatient accounts in the amount of \$5,000 or more.
- Assist the Department of Mental Health in drafting and implementing a new Assisted Outpatient Treatment (“AOT”) practice and procedure, which will enable the County's AOT program to function more efficiently. Once finalized, this procedure will be attached to all new and amended contracts between DMH and the various agencies it employs as AOT treatment providers.
- Assist the Department of Mental Health with drafting and implementing a new policy and procedure with respect to providing written responses to consumer complaints in compliance with the Joint Commission's new complaint resolution requirements.
- Work with the Department of Planning, BFJ Planning, County Executive officials and Legislative officials and the TAC to complete the SEQRA process for the Comprehensive Plan including preparation of the Final Generic Environmental Impact Statement, SEQRA findings, Final Comprehensive Plan and resolutions required for the adoption of the Comprehensive Plan for the County of Rockland.
- Work with the Department of Public Transportation, Purchasing and consultant STV Incorporated, to resolve issues during the RFP process for the 2011 transportation system contract. Prepare contract for the implementation of future transportation operations, which will ensure that the County’s transportation fleet is well maintained and previous performance issues are eliminated.
- Assist the Historic Preservation Board in the establishment of a county historic roads program.

- Assist the Department of Finance in 2011 with the legal steps to conduct an auction of tax-foreclosed properties to recover delinquent tax payments and to return the properties to the tax roll.
- Refine the contract language for Not-For-Profit service contracts beginning in January 2011 to better protect the County and make clear the duties of the respective parties.
- Continue to improve the timeliness and accuracy of the status of legal matters to each department.
- Prepare a manual for distribution to all FOIL records access officers and alternates in each county department, available for use as a first source reference upon receipt of a FOIL request. The manual would cover responses, time-deadlines, definitions, exemptions, latest law and decisions and where to turn for research and additional information to assist in their determinations.
- Refine procedures for Primary Day and Election Day to ensure excellent legal coverage to the Board of Elections.
- Review and refine the standard provisions in Contract documents for use in Capital Projects specifications.
- Effectuate reorganizations of Legal Department, Resource Recovery Unit, Family Law Division, Child Support Enforcement Unit and Special Investigation Unit, which are necessary due to significant reduction of staff.
- Increase focus on collections efforts and activities in order to increase recoveries.
- Increase communication with Child Welfare staff to assist with training and supervision due to significant reductions in staff.
- Increase communication with public assistance staff to improve processing in light of significant reductions in staff and threat of litigation.
- Continue to develop and implement an effective electronic discovery response plan between the Department of Law, Department of Insurance and the Department of General Services-MIS.
- Update and expand the manual of master forms for use by the Department of Law.
- Work with Department of Employee Rights to Implement new EEO program. Train Dept. Heads, Supervisors and Administrators in the new program.

- Work with the Department of Personnel to revise and implement a new program with respect to the Family Medical Leave Act to reflect changes in federal law and regulations.
- Continue to conduct Legal Issues Meetings to ensure Department Heads and administrators understand the current employment legal issues.

1/25/11