

## **COUNTY ATTORNEY ANNUAL REPORT FOR 2019**

This summary of legal services rendered last year to various branches of the County government is once again general in nature principally for reasons of confidentiality.

As General Counsel for Greene County it is my goal to minimize all liabilities associated with operations and administration of County Government while at the same time seeking to maximize all assets. I strive to reduce costs to taxpayers and to maximize all current and potential assets. I personally represent the County in all civil litigations which are not defended by indemnity carriers. I personally handle all collection matters for County departments and associated litigation; realizing significant revenue without tarnishing the County's reputation.

Notwithstanding the above, it remains my goal, first and foremost, to avoid litigation wherever and whenever possible. In furtherance of that objective I work with each and every department researching, when necessary, and training personnel relative to compliance with all controlling rules, regulations and/or laws.

It is my department's mission to interface with all County departments and assist procedurally to insure continuing compliance with State and Federal mandates; in a continuing effort to reduce claims against the County of Greene. We maintain an open door policy to all department heads and supervisors. These efforts include, without limitation, close attention to and legal review of all Freedom of Information Law (FOIL) requests and responses, close participation with the Greene County Treasurer's Department, Economic Development, Tourism and Planning, Highway, Public Health, Department of Social Services, County Clerk, Mental Health, District Attorney, Human Services, Probation, Weights and Measures and the Sheriff's Department, inclusive of Corrections. I am responsible for reviewing all County contracts from all departments and approve same as to form. However, I do so with a watchful eye towards content and mathematical accuracy.

The above stated efforts result in (a) substantially fewer claims; (b) fewer lawsuits; (c) substantial reduction of losses; (d) de minimis outside legal fees; (e) zero collections fees; and (f) lower insurance premiums.

This office strives to reduce the County's exposure to loss and liability whenever possible. Whether defending lawsuits or prosecuting them, this office is dedicated to expanding the County's revenues. This office performs a myriad of legal services for Greene County, including,

without limitation, legal research and provision of legal advice, collection actions, negotiating PILOT agreements, Real Property Tax Services Land Use advice, Civil Service compliance, personnel matters, real estate transactions, investigation of harassment/discrimination complaints, Batavia Kill Watershed Dam reports review and analysis, Greene County Soil and Water Conservation representation, Ethics Board advisory, claims processing, In Rem Tax Foreclosure proceedings, Assistant Outpatient Treatment proceedings, Freedom of Information Law (FOIL) Officer, Economic Development Corporation Loan closings, loan buyouts, mortgage satisfactions, UCC releases, DMV lien releases and contract preparation. This office reviews, and opposes where applicable, Poor Persons applications made to the Supreme Court, Appellate Division and Court of Appeals in the standard course of business. By this opposition, the County has defeated scores of meritless lawsuits.

This office is also instrumental in negotiating settlements and remedies related to contract disputes, and other matters, saving the County thousands of dollars. In the last four and a half years this office has successfully recovered a total amount in excess of \$546,686.00 through its efforts. This office is also responsible for lowering a \$41,000.00 invoice, chargeable to Greene County, to the statutorily mandated maximum of \$4,400.00: signifying a savings of approximately \$37,000.00. These figures do not include the value of income received from satisfying FOIL and medical record requests at \$0.25 per page.

As General Counsel for the County, I often field questions and draft opinion letters for department heads lending direction at legal crossroads.

The following general legal services rendered to all departments include without limitation:

1. Representation in litigation either as plaintiff or defendant (The Annual Audit Report, updated May 31, 2020, is an Attorney/Client privileged document which will be provided to the Legislature under separate cover);
2. Analysis and response to 236 FOIL requests, 13 subpoenas, related motions and appeals and 143 Mental Health records requests;
3. Legal research and legal advice;
4. Supervision of and collaboration with insurance company assigned counsel;
5. Contracts: preparation, review as to form, content and mathematical accuracy, negotiation and attention to appropriate insurance coverages;
6. Participation at annual meetings of the New York State Association of Counties

(NYSAC) and County Attorneys' Association of the State of New York (CAASNY);

7. Attention to bankruptcy matters protecting the County's interests;
8. President of Greene Tobacco Asset Securitization Corporation (TASC) which includes preparation of documents, compliance oversight relative to Public Authorities Accountability Act (PAAA) issues, scheduling and attendance at the annual meeting;
9. Legal research and advise all departments as requested;
10. Review and process all incident/accident reports (54 in 2019);
11. Train all County personnel as to Federally mandated annual Workplace Violence Prevention Program;
12. Conduct Health Insurance Portability and Accountability Act (HIPAA) training as required;
13. Train all County personnel as to federally mandated annual Title VI Civil Rights Plan implementation as directed and enforced by New York State Department of State, Department of Transportation;
14. Conduct Workplace Violence Prevention Program Hazard Mitigation Team meetings;
15. Review and direct compliance with or draft opposition to all subpoenas served on Greene County;
  - To Batavia Kill Watershed District, Review all Batavia Kill Watershed District bi-annual dam inspections conducted by New York State Department of Environmental Conservation and Natural Resources Conservation Service (NRCS); reports and interface, if necessary, with Batavia Kill Watershed district officials; etc.
  - To Civil Service, assist in drafting new job description(s) and legal advice; assist and interface with local municipalities related to the creation of acceptable job titles and Town and Village compliance with all New York State Civil Service Rules and Regulations; assist in bringing towns and villages into compliance with New York State Civil Law; etc.
  - To County Clerk, review and respond to FOIL requests; legal research, interpretation of Civil Practice Law and Rules (CPLR) and Court Rules; review various documents submitted for filing, upon request; consult as to fee disputes; review Summons and Complaints naming County Clerk as defendant, file and serve Notices of Appearances; file and serve Notices of Entry; file and serve Opposition in Motion to Reargue; file and serve Opposition to Appeal; review

litigation and court documents and advise as to indices adjustment; general legal research and advice; etc.

- To District Attorney, consistent collaboration on criminal matters which overlap civil claims against Greene County; attention and assistance to FOIL requests; represent the District Attorney's office in a pending civil lawsuit; opposition to poor persons motions where applicable, etc.

- To Economic Development, Tourism & Planning, review and approve of all contracts, including insurance requirement compliance; attend Economic Development Corporation meetings; close Economic Development Corporation loans and/or grants; drafting loan modifications, mortgages, mortgage satisfactions, mortgage subordination agreements and collections actions; prepare documents for Economic Development Corporation loan closings; attention to all arrears and delinquencies; attention to various insurance issues; ex officio member of Economic Development Corporation Committee; attend Economic Development Corporation Loan and Advisory Council Committee meetings; consultation and legal advice to the Director re: all County projects; UCC-1 and UCC-3 filings; closing out thirteen (13) loans, inclusive of mortgage satisfactions/releases of all security instruments; review and respond to FOIL requests; etc.

- To Board of Elections, legal advice; approval of contracts; assist in compilation and production of FOIL materials; answer summons and complaints; draft, file and serve motion to quash subpoenas; oral arguments in court; review and respond to FOIL request; etc.

- To Board of Ethics, advise and guide the Board of Ethics; conduct and attend Board of Ethics meetings; etc.

- To Emergency Services, review of all contracts; prepare annual EMS paramedics agreements with municipalities; review and respond to FOIL requests; review and respond to subpoenas; etc.

- On Family Court Matters, weekly appearance of Assistant County Attorney on Persons in Need of Supervision (PINS) proceedings, Juvenile Delinquency (JD) petitions and hearings; interface, as needed, with Family Court Chief Clerk, law enforcement and Probation Department; attendance, participation and research involving all Office of Court Administration (OCA) meetings regarding Raise the Age (RTA); etc.

- To Family Planning, general legal services; attention to contract review and opinions;

review and satisfy Early Intervention medical requests; general legal counseling; etc.

- To Highway Department, attention to personnel matters; review contracts; attention to various claims for property damage; collection actions; review and respond to FOIL requests; legal research; etc.

- To Human Resources, attention to all harassment complaints; review and investigate all proposed harassment/discrimination complaints and generate investigative report(s); legal advice regarding various employee complaints; Workplace Violence Prevention Program training of all Greene County employees; provide Health Insurance Portability and Accountability Act (HIPAA) training; respond to all Americans with Disabilities Act (ADA) requests for accommodations; Americans with Disabilities Act research; review and defense of unemployment compensation claims; etc.

- To Human Services, general legal services; contract review; review lease agreements for senior centers as necessary; review of insurance certificates; investigate harassment complaints filed by department personnel; etc.

- On Insurance Matters, research claim submission, attention to securing appropriate legal representation for County and assist outside counsel on all claims and lawsuits; legal research; attention to supervision of assigned attorneys including supplying evidence as available; review of all insurance coverage; negotiate claim settlement(s); telephonic conferences with Marshall & Sterling and NYMIR regarding defense and indemnification of current litigation; review all professional sub-contractors' professional liability insurance policies; etc.

- To The Legislature, attend at monthly committee and Legislative meetings; attend miscellaneous committee meetings when requested; legal research as requested; research and advise as to Public Officer's Law, Robert's Rules of Order and Open Meetings Law, and Rules of Legislature; monitor Simmons Hanly law firm as to the opioid litigation lawsuit against pharmaceutical manufacturers of prescription opiates; read and monitor bankruptcy filing re: pharmaceutical litigation; monitor and review docs re: generic drug lawsuit; comply with document demands re: generic drug lawsuit; review of all contracts signed by County; established bidder and vendor acknowledgment form for all contracts; interpret insurance documents; review resolutions; draft resolutions; continuing review of General Municipal Law, Public Officer's Law, Real Property Tax Law, Local Finance Law and Municipal Home Rule as required on an ongoing basis; review of proposed State Legislation affecting Counties; Human Resource issues and retiree

health insurance benefit matters; attention to lease renewals; legal research and advice re: employment matters, departmental policies and procedures; document retention; attention to Americans with Disabilities Act (ADA) requests for accommodations; investigate discrimination and/or misconduct complaints; attention to Greene Tobacco Asset Securitization Corporation (TASC) issues including Public Authorities Accountability Act (PAAA) compliance; legal research relative to all claims against the County and assessment of risk, including correspondence and communication with insurance companies and the investigation and settlement of minor claims; attention to taxpayers complaints; attention to Notices of Claim for personal injuries; appear at 50-h hearings; prepare 2019 Cost Allocation Summary for Venesky & Company, auditors; prepare annual litigation audit; prepare annual contracts for Greene County with:

1. Community Action of Greene County, Inc.
2. Greene County Historical Society
3. Greene County Libraries Association
4. Greene County Soil & Water Conservation
5. Greene County Federation of Sportsmen Clubs
6. Greene County Agricultural Society
7. Twin County Recovery Services, Inc.
8. The ARC of Mid-Hudson
9. Greene County Council on the Arts;

assist all insurance-appointed attorneys defending and representing Greene County train County employees and volunteers relative to Greene County's Workplace Violence Prevention Program as mandated by New York State Department of Labor; provide Health Insurance Portability and Accountability Act (HIPAA) training to all necessary Greene County personnel; review and update policy statement and program; review of Greene Tobacco Asset Securitization Corporation (TASC) bond performance, including scheduling and attendance at annual meeting, electronic filing of required financial reports pursuant to Public Authorities Accountability Act (PAAA); conduct Greene County Workplace Violence Hazard Reduction Team meeting(s); provide legal research to all Legislators, as requested, Administration and County departments as requested; respond to general correspondence as required; preparation of 2018/2019 Litigation Report/Annual Audit; attention to numerous complaints and claims from detainees and inmates; review unemployment benefit applications and oppose where appropriate; ongoing legal research

re: FOIL exceptions, review requests for proposals, bids and quotes for various departments; review Phase I Environmental Assessment for property acquisitions and assist and determine Phase II feasibility; interface with County Administrator relative to all aspects of proposed or current County projects; research and provide legal opinions to Legislature and County Administrator as necessary or as requested; etc.

- To Mental Health, attention to medical records, whether by release, Court Order or subpoena; legal representation of Jason Fredenberg, Director of Community Services, with regard to Assisted Outpatient Treatment (AOT) proceedings (12 in 2019), prepare Assisted Outpatient Treatment (AOT) documents; Assisted Outpatient Treatment (AOT) court filings; attend Assisted Outpatient Treatment (AOT) hearings; attention to legal issues regarding production of documents, reports and subpoenas in accordance with Health Insurance Portability and Accountability Act (HIPAA) regulations; petitions and hearings; legal research and memoranda regarding release of all patient file materials under Health Insurance Portability and Accountability Act (HIPAA); prepare contracts for independent contractors; respond to Mental Health records requests (143 in 2019); legal research and advice as to third party deposition subpoenas; appearances, review and advice on subpoenas; attend meetings and provide legal guidance as to independent practitioner agreements; review independent practitioner documentation, proposals and literature; provide Health Insurance Portability and Accountability Act (HIPAA) training to new employees; train all Mental Health providers as to Court testimony under subpoena; assist with personal matters; Equal Employment Opportunity Commission (EEOC) lawsuit; etc.

- To NYS Department of Motor Vehicles, general legal services, as requested; etc.

- To Probation, prosecute Juvenile Delinquent and Persons in Need of Supervision (PINS) in Family Court; legal research and advise on numerous legal matters; review department policies at the request of the director for compliance with the law; interface with personnel matters; attend worker's compensation hearing; review and respond to FOIL requests; etc.

- To Public Defender's Office, general legal services; review conflict motions; attention to subpoenas and FOIL requests; conflict advice; etc.

- To Public Health Department, review all contracts, provide HIPAA training; review and advise as to proper insurance documentation for various providers; miscellaneous legal research; records retention; review and respond to all requests for Public Health records; miscellaneous advice as requested; review and respond to FOIL requests; research and draft

measles vaccination orders; etc.

- To Real Property Tax Services, draft and litigate Summary Judgment Motions related to the 2018 In Rem Tax Foreclosure proceedings; review PILOT agreements with the director of Real Property Tax Services; research and respond to legal issues which arise from time to time; work with NYS Department of Environmental Conservation regarding contaminated properties; negotiate with NYS Department of Environmental Protection relative to County owned flood damaged properties; etc.

- To Sheriff's Department, legal advice to Sheriff's Department on a regular and ongoing basis; review of inmates claims; review of contracts; general legal research; attention to any and all civil matters which may arise; handle vehicle insurance claims; handle property damage claims; continual attention to all aspects of Greene County jail project, as needed and/or requested; review all claims against the Sheriff's Department and/or personnel; accept calls from the field 7 days a week, 24 hours of the day, to provide legal advice as to arrests of minors; research and respond to all information requests; over sight of indemnity representation of Sheriff Department; general advice to Sheriff, Under Sheriff and supervisory personnel, as requested; review and respond to FOIL requests; commenced action to have seized guns declared nuisance weapon and destroyed by sheriff; etc.

- To Department of Social Services, meet with DSS Commissioner regarding social services liens and mortgages; contract review and approval; insurance review and approval; handle subpoenas; motions to quash subpoenas; review and accommodate ADA requests; back up court appearances as scheduled; litigate with school districts re: billing; etc.

- To Solid Waste Management, collection letters and litigation; contract review and approval; insurance compliance review; attention to refuse removal agreements with various contractors; etc.

- To The Treasurer's Office, draft summary judgment motions in foreclosure tax lien proceedings; interface with Director of Taxes with regard to tax liens; continuing negotiations regarding lot options at Sleepy Hollow Lake; serve as Greene Tobacco Asset Securitization Corporation (TASC) President; review and execute all agreements and audits, attend annual Greene Tobacco Asset Securitization Corporation (TASC) meetings; review and respond to FOIL request; etc.

- To Soil & Water Conservation District, general legal advice; contract review



and approval; etc.

- To Veteran's Service Agency, contract review and approval; attention to harassment/discrimination complaint; review and investigate proposed harassment/discrimination complaint; draft investigative report; etc.

- To Weights and Measures, collection of delinquent accounts and fines; etc.