

**23545**

DATE: December 5, 2011

TO: Board of Acquisition and Contract

FROM: Bruce B. Berger  
Executive Director, Solid Waste Commission

SUBJECT: Resolution to exempt from the procedures of the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, an agreement with attorney William Wetzel to provide administrative hearing officer services to the Westchester County Solid Waste Commission; with the agreement being for a term from December 1, 2011 through November 30, 2012 and for a not-to-exceed amount of \$15,000.00

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Authority is hereby requested from your Honorable Board to exempt from the procedures of the Westchester County Procurement Policy (the "Procurement Policy") an agreement with attorney William Wetzel ("Wetzel") to provide administrative hearing officer services to the Westchester County Solid Waste Commission (the "Commission"); with the agreement having a term from December 1, 2011 through November 30, 2012 and a not-to-exceed amount of \$15,000 to be paid pursuant to an approved budget.

Attorney Wetzel has previously provided administrative hearing officer services to the Commission by a separate agreement having a one year terms that expired November 30, 2011 and not-to-exceed amounts of \$15,000.00.

The Commission is requesting this exemption because it would be in Westchester County's (the "County") best interest for 1) public health and safety and 2) economic reasons to have attorney Wetzel remain as Commission administrative hearing officer for additional one year term commencing December 1, 2011 and for a not-to-exceed amount of \$15,000.00.

The exemption is in the County's best interest regarding public health and safety as said individual possess the valuable "acquired through experience" substantive knowledge of the laws, rules and regulations governing Commission hearings as well as the daily practices and procedures of the solid waste and recycling industry (the "industry") within the County. This knowledge allows him to conduct hearings and render reports with recommendations to the Commission with far greater competency and nuanced insight than individuals not having served in such position with all of same being integral to the Commission's obligation to provide a fair legal forum for Commission licensees while pursuing its mandate to eliminate unlawful conduct within the industry.

The exemption is also in the County's economic best interest as said individuals' knowledge gained through his experience as Commission hearing officers enables him to efficiently conduct

Commission administrative hearings and render reports which reduces costs to the County through correspondingly reduced time billings from said individuals.

Additionally, having attorney Wetzel remain as Commission hearing officer is in the County's best public safety and economic interest as his acquired knowledge and experience in such position ensures that Commission determinations shall be properly rendered to withstand subsequently initiated New York State Civil Practice Law and Rules Article 78 legal challenges and the significant monetary exposure potentially resulting from same.

Therefore, it is proposed that the County's best interests would be served by exempting the aforementioned agreement with attorney Wetzel from Procurement Policy procedures pursuant to Section 3(a)(xxi) thereof.

Accordingly, a resolution to exempt this procurement is hereby submitted for your consideration.

BBB//cji

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/29/2011 - CLERK OF SUPERIOR COURT, SECRETARY

## RESOLUTION

Upon a communication from Bruce B. Berger, Executive Director for the Westchester County Solid Waste Commission, be it hereby:

**RESOLVED**, that pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting quotations, is neither cost effective nor expedient, and accordingly not in the best interests of the County in connection with the procurement of an agreement with attorney William Weizel for administrative hearing officer services to the Westchester County Solid Waste Commission.

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/20/21  
SONNY VIEIRA SECRETARY