



Office of the District Attorney
County of Westchester

MEMORANDUM

May 23, 2016

52104

To BOARD OF ACQUISITION AND CONTRACT

From JAMES McCARTY
ACTING DISTRICT ATTORNEY

Re: **RESOLUTION AUTHORIZING THE COUNTY OF WESTCHESTER TO 1) ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES TO ACCEPT A GRANT IN AN AMOUNT NOT TO EXCEED \$294,104, PAYABLE PURSUANT TO AN APPROVED BUDGET, AS PART OF THE CRIMES AGAINST REVENUE PROSECUTION PROGRAM FOR THE PERIOD FROM JANUARY 1, 2016 THROUGH DECEMBER 31, 2016; AND 2) ENTER INTO AN AGREEMENT WITH MINDY EISENBERG-STARK TO CONDUCT TAX FRAUD INVESTIGATIONS IN AN AMOUNT NOT TO EXCEED \$46,000 FOR THE PERIOD FROM JANUARY 1, 2016 THROUGH DECEMBER 31, 2016**

Authority is sought for the County of Westchester to enter into an agreement with the New York State Division of Criminal Justice Services ("DCJS") to accept a grant in an amount not to exceed \$294,104 in State funds (with a County contribution of \$19,554) for the District Attorney's Office to operate the Crimes Against Revenue Prosecution ("CARP") Program for the period from January 1, 2016 through December 31, 2016, pursuant to an approved budget. Authority is also sought for the County to enter into an agreement with Mindy Eisenberg-Stark to conduct tax fraud investigations as part of the CARP Program in an amount not to exceed \$46,000, payable at the rate of \$100 per hour inclusive of expenses, for the term January 1, 2016 through December 31, 2016.

The goals and objectives of the CARP program are to investigate and prosecute those who violate tax laws, reclaim lost revenue, and increase voluntary compliance with applicable laws. The goals and objectives of the CARPS program and the work of Ms. Eisenberg-Stark will be monitored by the District Attorney's Office for compliance with grant requirements and quarterly progress reports are submitted to DCJS for their review and approval.

I certify that the Office of the District Attorney, a) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including

any master grant agreement), as well as any other guidance or instructions received from the agency making the grant (the "Grant Terms"); b) has reviewed the Grant Terms; c) is aware of and understands all of the Grant Terms; and d) can and will comply with all of the Grant Terms.

The grant agreement with DCJS is not a procurement of goods or services and as such is not subject to the County Procurement Policy. By a separate Resolution of even date herewith, an exemption of the contract with Mindy Eisenberg-Stark from the Westchester County Procurement Policy and Procedures in accordance with Section 3(a) xxi thereof has been sought from your Honorable Board.

Authority is therefore, respectfully sought for the County to enter into the grant agreement with DCJS and the agreement with Mindy Eisenberg-Stark for tax fraud investigations.

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/30/2010 - DISBURSED, SECRETARY

RESOLUTION

Upon a communication from the District Attorney, be it hereby,

RESOLVED, that authority is granted to the County of Westchester to 1) enter into an agreement with the New York State Division of Criminal Justice Services to accept a grant in an amount not to exceed \$294,104 in State funds (with a County contribution of \$19,554) for the District Attorney's Office to operate the Crimes Against Revenue Prosecution ("CARP") Program for the period from January 1, 2016 through December 31, 2016; and 2) enter into an agreement with Mindy Eisenberg-Stark (the "Contractor") to conduct tax fraud investigations as part of the CARP Program in the amount of \$46,000, payable at the rate of \$100 per hour inclusive of expenses for the period January 1, 2016 through December 31, 2016; and it is further

RESOLVED, that the agreement with the Contractor (the "Agreement") is subject to County appropriations; and be it further

RESOLVED, that the Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the District Attorney or his duly authorized designee is hereby authorized to execute all instruments and take all actions necessary to implement this Resolution.

Account to be charged/credited

Fund	Dept	Major Program & Program & Phase or Unit	Object/Sub Object	Trust Account	Dollars
263	37	740R	4380	T740	\$46,000
263	37	740R	9854	T740	\$294,104
101	37	0010	4912		\$19,554
263	37	740R	9855	T740	\$19,554

Budget Funding Year(s) 2016 Start Date 1/01/16 End Date 12/31/16

(must match resolution)

Funding Source Tax Dollars \$19,554

State Aid \$294,104

\$313,658

Federal Aid _____

(must match resolution)

Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/30/2016 - LISA MARIKAJ, SECRETARY