

51569

DATE: March 21, 2016

TO: Board of Acquisition and Contract

FROM: Sherlita Amler, M.D.
Commissioner of Health

RE: Request authority to amend a Resolution approved on February 11, 2016 which authorized the County, acting by and through its Department of Health (the "WCDH"), to enter into contracts with Joseph C. LoCascio and Robert Ponzini as Hearing Officers, for the Term 3/1/16 - 2/28/17, for a total aggregate not-to-exceed amount of \$70,000 payable at the stated contract rates, in order to add two additional Hearing Officers, Susan H. Brailey and Marc A. Seedorf, effective upon execution of the agreements by the parties.

On February 11, 2016, your Honorable Board approved a Resolution (the "February 11, 2016 Resolution") authorizing the County, acting by and through its Department of Health (the "WCDH"), to enter into contracts with each the following Hearing Officers, Joseph C. LoCascio and Robert Ponzini, for the term 3/1/16 through 2/28/17, for a total aggregate not-to-exceed amount of \$70,000 payable at the stated contract rates. These contracts have been executed.

The WCDH now requests that the February 11, 2016 Resolution be amended in order to add two additional Hearing Officers, Susan H. Brailey and Marc A. Seedorf, effective upon execution of the agreements by the parties and with the same total aggregate not-to-exceed amount, payable at the stated contract rates.

As written in the Uniform Procedures for the Designation of Hearing Officers in accordance with the Public Health Laws of the State of New York and Laws of Westchester County (see attachment), the Westchester County Board of Health ("Board") is "responsible for and authorized to designate by resolution qualified persons as Hearing Officers" on an annual basis. The above-named Hearing Officers have been reviewed and approved by the Board at its March 2016 meeting.

These contracts promote the public health and general welfare of County residents by enforcement of the Public Health Laws of the State of New York and the Westchester County Sanitary Codes. The Hearing Officers preside over and adjudicate cases regarding violations concerning health and safety, and provide County residents their due process during the Administrative Hearing process. The goal is to have professional, experienced, objective representation and interpretation of code rules and regulations, and report the case findings before the Westchester County Board of Health ("Board").

These contracts will be tracked and monitored by the WCDH's and Board's monthly review of cases and findings and periodic meetings with the Hearing Officers. In 2015 the Hearing Officers presided over approximately 1,554 cases involving various sanitary code and public health law violations.

By Resolution submitted concurrently on this date, we request your Honorable Board to determine that application of the procedural requirements for procurement be waived in accordance with Section 3(a) xxi of the Westchester County Procurement Policy as it is not in the best interest of the County.

Approval of the attached Resolution is respectfully requested in order to add Susan H, Brailey and Marc A. Seedorf as additional Hearing Officers, effective upon execution of the agreements by the parties and with the same total aggregate not-to-exceed amount, payable at the stated contract rates.

Except as specifically amended hereby, all other terms and conditions of the February 11, 2016 Resolution shall remain the same.

/dc
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/14/2016 - LISA MRIJA, SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF HEALTH, BE IT HEREBY

RESOLVED, that the Resolution approved by this Honorable Board on February 11, 2016, (the "February 11, 2016 Resolution"), which authorized the County of Westchester, acting by and through its Department of Health (the "WCDH"), to enter into contracts with Joseph C. LoCascio and Robert Ponzini, to provide services as Hearing Officers for a term commencing on March 1, 2016 and terminating on February 28, 2017, be hereby amended in order to add two additional Hearing Officers, Susan H. Brailey and Marc A. Seedorf, effective upon execution of the agreements by the parties; and, be it further

RESOLVED, that except as specifically amended herein, all other terms and conditions of the February 11, 2016 Resolution shall remain the same; and, be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Department of Health
 County of Westchester
 10 County Center Road, 2nd Floor
 White Plains, New York 10607
 March 21, 2016

Original Agreement	\$	
First Amendment	\$	
This Amendment	\$	_____
TOTAL	\$	

Agreement # _____

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
	N/A					

Budget Funding Year(s) (must match resolution)		Start Date		End Date	
Funding Source	Tax Dollars				
	State Aid				
	Federal Aid				
(must match resolution)	Other				