

DATE: February 19, 2010

TO: Board of Acquisition and Contract

FROM: Patsy Yang, DrPH
Acting Commissioner of Health

RE: Request to amend an Approved Resolution authorizing the County, acting by and through its Department of Health (the "WCDH"), to enter into contracts with George E. Fufidio, Jr. and Joseph C. LoCascio as Hearing Officers, for the Term 3/1/10-2/28/11, for a total aggregate not-to-exceed amount of \$100,000 payable at the stated contract rates, by adding an additional Hearing Officer.

On February 11, 2010, your Honorable Board approved a Resolution (the "February 11, 2010 Resolution") authorizing the County, acting by and through its Department of Health (the "WCDH"), to enter into contracts with the following Hearing Officers: George E. Fufidio, Jr., and Joseph C. LoCascio, for the term 3/1/10 through 2/28/11, for a total aggregate not-to-exceed amount of \$100,000 payable at the stated contract rates. These contracts have not been executed.

The WCDH requests to amend the February 11, 2010 Resolution in order to add an additional Hearing Officer, Robert Ponzini, for the same contract period and the same total aggregate not-to-exceed amount, payable at the stated contract rates.

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. These contracts will be tracked and monitored by the WCDH's and Board of Health's monthly review of cases and findings and periodic meetings with the Hearing Officers. In 2009 the Hearing Officers presided over approximately 1,135 cases involving various sanitary code and public health law violations.

Without these contracts, there would not be a consistent mechanism for the enforcement and settlement of 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 Robert Ponzini as an additional Hearing Officer, for the same contract period and 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, 2010 Resolution shall remain the same.

/md
Attachment

RESOLUTION

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

RESOLVED, that the Resolution approved by this Honorable Board on February 11, 2010, (the "February 11, 2010 Resolution"), which authorized the County of Westchester, acting by and through its Department of Health (the "WCDH"), to enter into contracts with George E. Fufidio, Jr. and Joseph C. LoCascio, to provide services as Hearing Officers for a term commencing on March 1, 2010 and terminating on February 28, 2011, be hereby amended to add an additional Hearing Officer, Robert Ponzini; and, be it further

RESOLVED, that except as specifically amended hereby, all other terms and conditions of the February 11, 2010 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
 145 Huguenot Street, 8th Floor
 New Rochelle, New York 10801
 February 19, 2010

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				