

78365

Date: August 4, 2020

TO: Honorable Members of the Board of Acquisition & Contract

FROM: John M. Nonna
County Attorney

Re: **Authority to enter into a settlement agreement with Disability Rights Advocates, a National and International Center for the Advancement of People with Disabilities, a/k/a Disability Rights Advocates, a California non-profit benefit corporation (“DRA”) and Westchester Disabled on the Move, Inc.**

Authorization is requested for the County of Westchester (“County”) to enter into a Settlement Agreement with Disability Rights Advocates, a National and International Center for the Advancement of People with Disabilities, a/k/a Disability Rights Advocates, a California non-profit benefit corporation (“DRA”) and Westchester Disabled on the Move, Inc. Among other things, the Settlement Agreement strengthens the County’s emergency preparedness programs and services and ensures compliance with the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12131 *et seq.*, and Section 504 of the Rehabilitation Act, 29 U.S.C. § 794. Further, the Settlement Agreement fully resolves DRA’s and WDOTM’s allegations that the needs of persons with disabilities are not adequately addressed in the County’s emergency preparedness programs and services. In addition, the Settlement Agreement fully releases the County from all claims that DRA or WDOTM could have against the County pertaining to, arising out of, or related to the County’s Emergency Management Plan.

By Act approved on August 3, 2020, the Westchester County Board of Legislators authorized the County to enter into the Settlement Agreement.

As you may recall, by resolution approved on October 20, 2016, your Honorable Board authorized the County to enter into a Structured Negotiations Agreement with DRA and WDOTM (the “SNA”), pursuant to which the County agreed to undertake certain actions, including engaging a subject matter expert. The subject matter expert was separately retained to, among other things, 1) revise the County’s Comprehensive Emergency Management Plan, 2) identify the needs of persons with disabilities prior to an emergency, 3) assess and improve the County facilitated public notification and communication for persons with disabilities, and 4) develop a shelter-in-place guideline and develop several other policies and procedures in connection with assisting persons with disabilities. The SNA was fully executed on December 7, 2016.

The County has recently completed all of the actions required under the SNA that were predicates to entering into a settlement agreement and now wishes to enter into the Settlement Agreement with DRA and WDOTM. The Settlement Agreement requires the County to implement the substantive revisions required pursuant to Section IV(A) of the SNA, implement the long-term remedial work plan (“Work-Plan”) required by Section IV(B) of the SNA, and complete all actions contained in the Work Plan by the dates listed in the Work Plan.

Please be advised that the Work Plan has been approved by DRA. In addition, the County will be required to provide quarterly reports to DRA and certify completion of the County’s obligations under the Settlement Agreement.

The Settlement Agreement will commence upon full execution thereof and will terminate sixty (60) days from the date the County has submitted its Final Report and Certification, or until such time that any disputes are resolved.

Since the Settlement Agreement does not involve the procurement of goods or services, the provisions of the Westchester County Procurement Policy are not applicable.

Accordingly, the attached resolution is submitted for your consideration.

RPA/JMN/jpg
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACTING 01/13/2020 RPA/JMN/SECRETARY

RESOLUTION

Upon a communication from the County Attorney, be it hereby

RESOLVED, that the County of Westchester (“County”) is hereby authorized to enter into a Settlement Agreement (the “Settlement Agreement”) with Disability Rights Advocates, a National and International Center for the Advancement of People with Disabilities, a/k/a Disability Rights Advocates, a California non-profit benefit corporation (“DRA”) and Westchester Disabled on the Move, Inc. (“WDOM”), which strengthens the County’s emergency preparedness programs and services and ensures compliance with the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12131 *et seq.*, and Section 504 of the Rehabilitation Act, 29 U.S.C. § 794. The Settlement Agreement additionally fully resolves DRA’s and WDOM’s allegations that the needs of persons with disabilities are not adequately addressed in the County’s emergency preparedness programs and services. Moreover, the Settlement Agreement fully releases the County from all claims that DRA or WDOM could have against the County pertaining to, arising out of, or related to the County’s Emergency Management Plan; and, be it further

RESOLVED, that the Settlement Agreement will commence upon full execution and will terminate sixty (60) days from the date the County has submitted its Final Report and Certification, or until such time that any disputes are resolved; and, be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

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) Start Date upon execution End Date: Submission of Final Report and Certification
(must match resolution)

Funding Source Tax Dollars _____

State Aid _____

N/A

(must match resolution) Federal Aid _____
Other _____