



#4

Committee Mtg \_\_\_\_\_ Resolution # \_\_\_\_\_  
Introduced By \_\_\_\_\_ Regular Mtg \_\_\_\_\_  
Seconded By \_\_\_\_\_ Special Mtg \_\_\_\_\_

**APPROVAL – APPOINTMENT OF OUTSIDE COUNSEL FOR THE LEGISLATURE - PENDING LITIGATION MATTER**

**WHEREAS, on November 26, 2024, the Putnam County Legislature received service of papers for a lawsuit filed by the Putnam County Executive against the Legislature and its members, venued in Putnam County Supreme Court, Index No. 02066/2024 (hereinafter the “Action”); and**

**WHEREAS, the Action seeks to nullify Resolution #215 of 2024 and Resolution #216 of 2024, and the Legislature has been temporarily restrained from taking any action under said resolutions by an Order to Show cause entered in the Action; and**

**WHEREAS, Resolution #215 enacts a local law to amend the Putnam County Charter with respect to the procedure by which the Legislature may remove a County Attorney other than the currently serving County Attorney, and restricts the outside employment of a County Attorney other than the currently serving County Attorney; and**

**WHEREAS, Resolution #216 approved the procurement of a contract with outside counsel to the Legislature, and separately appointed outside counsel to the Legislature pursuant to Putnam County Charter § 2.04 (q), to advise the Legislature because of a conflict and/or a potential appearance of impropriety identified by, and involving, the County Attorney; and**

**WHEREAS, Resolution #216 was enacted after the County Attorney failed to respond to the memorandum dated September 11, 2024, from the Chair of the Legislature, requesting the procurement of a contract with Keane & Beane, P.C., Attorneys at Law, to serve as counsel to the Legislature, pursuant to Putnam County Code § 140-3.5, by which the power to procure such contract rests jointly with the County Attorney and the Chair of the Legislature; and**

**WHEREAS, Resolutions #215 and #216 were vetoed by the County Executive and said vetoes were subsequently overridden by the Legislature; and**

**WHEREAS, the Legislature and its members require and are entitled to the services of counsel to defend against the Action; and**

**WHEREAS, on August 27, 2024, the County Attorney notified the County Executive and the Legislature that, because the County Executive raised the issue of a conflict in his position from that of the Legislature, and because the Rules Committee of the Legislature had considered potential legislation at its August 26, 2024, meeting that the County Attorney believed directly impacted the office of County Attorney, he had appointed outside counsel for the County Executive and separate outside counsel for the Legislature to avoid any appearance of impropriety; and**

Legislator Addonizio \_\_\_\_\_  
Legislator Castellano \_\_\_\_\_  
Legislator Crowley \_\_\_\_\_  
Legislator Ellner \_\_\_\_\_  
Legislator Gouldman \_\_\_\_\_  
Legislator Montgomery \_\_\_\_\_  
Legislator Nacerino \_\_\_\_\_  
Legislator Sayegh \_\_\_\_\_  
Chairman Jonke \_\_\_\_\_

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**WHEREAS, the potential legislation referenced by the County Attorney as a reason for appointing outside counsel to the Legislature was enacted, in substantially modified form, as Resolution #215, which is at issue in the Action; and**

**WHEREAS, counsel for the County Executive in the Action is the same outside counsel appointed for him by the County Attorney on August 27, 2024; and**

**WHEREAS, in light of the County Attorney's prior determination that outside counsel was necessary to advise the County Executive and the Legislature because of the subject matter of Resolution #215, which is at issue in the Action, and in light of the County Executive's allegations in the Action that the passage of Resolutions #215 and #216 was due to a dispute between the Legislature on one hand, and the County Attorney and the County Executive on the other hand, the Legislature desires and requires the services of outside counsel to defend the Action; and**

**WHEREAS, pursuant to Putnam County Charter 2.04 (q), the County Legislature has the power to appoint, as deemed necessary and proper, by resolution duly adopted, outside counsel on a per case basis; now therefore be it**

**RESOLVED, that it is the finding and determination of the Legislature that it is necessary and proper to appoint outside counsel to the Legislature and its members to defend against the Action; and be it further**

**RESOLVED, that it is the finding and determination of the Legislature that the power given to the Legislature in the Charter to appoint its outside counsel necessarily and inherently includes the power to appoint specific counsel; and be it further**

**RESOLVED, that pursuant to Putnam County Charter § 2.04 (q), the County Legislature invokes its power to appoint outside counsel on a per case basis by appointing the firm of Keane & Beane, P.C., Attorneys at Law, as counsel to the Legislature and its members, for the specific purpose of defending them in the Action; and be it further**

**RESOLVED, that it is the finding and determination of the Legislature that the appointment of outside counsel to the Legislature pursuant to its specifically enumerated power in Putnam County Charter § 2.04 (q) is a matter pertaining solely to the conduct of the Legislature's own procedures, as contemplated by Putnam County Charter § 3.04-A; and be it further**

**RESOLVED, that in the event the firm of Keane & Beane is unable or unwilling to accept the appointment for any reason, or to continue as counsel to the Legislature after being engaged, the Chair of the Legislature shall approve and be authorized to appoint alternate counsel for the Legislature; and be it further**

**RESOLVED, that this resolution shall take effect immediately.**

Legislator Addonizio \_\_\_\_\_  
Legislator Castellano \_\_\_\_\_  
Legislator Crowley \_\_\_\_\_  
Legislator Ellner \_\_\_\_\_  
Legislator Gouldman \_\_\_\_\_  
Legislator Montgomery \_\_\_\_\_  
Legislator Nacerino \_\_\_\_\_  
Legislator Sayegh \_\_\_\_\_  
Chairman Jonke \_\_\_\_\_