

# 2022-32



George Latimer  
County Executive

Office of the County Attorney

John M. Nonna  
County Attorney

January 3, 2022

Westchester County Board of Legislators  
800 Michaelian Office Building  
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is an Act which, if adopted by your Honorable Board, would authorize the County of Westchester ("County") to continue to retain, at County expense, the Wicks Group, PLLC (the "Firm") for the provision of outside counsel services in connection with various legal issues relating to the Westchester County Airport (the "Airport"), for a one (1) year term commencing on January 1, 2022 for an amount not-to-exceed One Hundred Thousand (\$100,000.00) Dollars.

Your Honorable Board initially authorized the retention of the Firm in 2011 after a nationwide competitive proposal process to identify a source of counsel in the specialized fields of airport law and administrative practice before the Federal Aviation Administration ("FAA"). The Firm was chosen both on the basis of their outstanding qualifications and their fee structure, which was substantially below those of other firms practicing in the same field. Since that time, your Honorable Board has authorized the renewal of the Firm's contract on an annual basis.

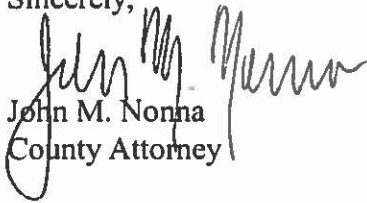
The County continues to require the services of the Firm in 2022 to provide various legal services, as needed, concerning matters in which it has specific expertise not otherwise available in-house, including, but not limited to, compliance with federal law and FAA regulations, application and enforcement of the Terminal Use Procedures, the Terminal Use Agreement and Airport Tenant Agreements within the regulatory environment, as well as developments in Airport Law.

Accordingly, authority is requested to enter into an agreement with the Firm to provide legal services to the County in connection with the Airport for a one (1) year term commencing on January 1, 2022 and continuing through December 31, 2022. For the aforesaid services rendered to the County by the Firm, the Firm will be paid at the blended rate of Three Hundred Eighty (\$380.00) Dollars per hour for all lawyers, not-to-exceed the aggregate sum of One Hundred Thousand (\$100,000.00) Dollars.

The Planning Department has advised that the proposed outside counsel agreement does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated May 14, 2021, which is on file with the Clerk of the Board of Legislators.

This contract will allow the County to continue to avail itself of the Firm's expertise in Airport law and its familiarity with the unique legal problems affecting the Airport. As such, I believe it continues to be in the County's best interest to retain the Firm and most respectfully recommend your Honorable Board's approval of the attached Act.

Sincerely,



John M. Nonna  
County Attorney

JMN/JPG/ml

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Attorney recommending the enactment of an Act which, if adopted by this Honorable Board, would authorize the County of Westchester (“County”) to continue to retain, at County expense, the Wicks Group, PLLC (the “Firm”) for the provision of outside counsel services in connection with various legal issues relating to the Westchester County Airport (the “Airport”), for a one (1) year term commencing on January 1, 2022 for an amount not-to-exceed One Hundred Thousand (\$100,000.00) Dollars.

Your Committee is advised that your Honorable Board initially authorized the retention of the Firm in 2011 after a nationwide competitive proposal process to identify a source of counsel in the specialized fields of airport law and administrative practice before the Federal Aviation Administration (“FAA”). The Firm was chosen both on the basis of their outstanding qualifications and their fee structure, which was substantially below those of other firms practicing in the same field. Since that time, your Honorable Board has authorized the renewal of the Firm’s contract on an annual basis.

Your Committee is advised that the County continues to require the services of the Firm in 2022 to provide the County with various legal services, as needed, concerning matters in which it has specific expertise not otherwise available in-house, including, but not limited to, compliance with federal law and FAA regulations, application and enforcement of the Terminal Use Procedures, the Terminal Use Agreement and Airport Tenant Agreements within the regulatory environment, as well as developments in Airport Law.

Accordingly, authority is requested to enter into an Agreement with the Firm to provide legal services to the County in connection with the Airport for a one (1) year term commencing retroactive to January 1, 2022 and continuing through December 31, 2022. For the aforesaid services rendered to the County by the Firm, the Firm will be paid at the blended rate of Three Hundred Eighty (\$380.00) Dollars per hour for all lawyers, not-to-exceed the aggregate sum of One Hundred Thousand (\$100,000.00) Dollars.

The Planning Department has advised that the proposed outside counsel agreement does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated May 14, 2021, which is on file with the Clerk of the Board of Legislators.

An affirmative vote of a majority of the voting strength of the Board is required for approval of the attached Act.

Accordingly, your Committee concurs with the County Attorney's recommendation that it would be in the best interests of the County to continue to retain the Firm and requests approval of the attached Act.

Dated: \_\_\_\_\_, 2022  
White Plains, New York

COMMITTEE ON

# FISCAL IMPACT STATEMENT

SUBJECT: Wicks Group, PLLC

NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 100,000

Total Current Year Revenue \$ -

Source of Funds (check one):  Current Appropriations  Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: 161\_44\_4110\_4420

Potential Related Operating Budget Expenses: Annual Amount \$100,000.00

Describe: An ACT authorizing the County of Westchester to amend an agreement for the provision of outside counsel services related to the Airport, extending the term through 12/31/2022 and increasing the not to exceed amount by \$100,000.

Potential Related Operating Budget Revenues: Annual Amount \_\_\_\_\_

Describe: n/a

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: n/a

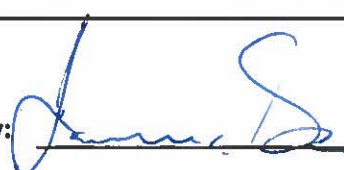
Next Four Years: n/a

Prepared by: Dianne Vanadia

Title: Sr. Budget Analyst

Department: Budget

Date: November 29, 2021

Reviewed By:   
Budget Director

Date: 11/29/21

ACT NO. 2022 - \_\_\_\_\_

AN ACT authorizing the County of Westchester to retain, at County expense, the Wicks Group, PLLC for the provision of outside counsel services related to the Westchester County Airport, for a term of one (1) year commencing on January 1, 2022 for an amount not-to-exceed \$100,000.00.

**BE IT ENACTED** by the Board of Legislators of the County of Westchester, as follows:

**Section 1.** The County of Westchester (“County”) is hereby authorized to retain, at County expense, the Wicks Group, PLLC (the “Firm”), for the provision of outside counsel services related to the Westchester County Airport, as needed, concerning matters in which it has specific expertise not otherwise available in-house, including, but not limited to, compliance with federal law and FAA regulations, application and enforcement of the terminal use procedures, the terminal use agreement and airport tenant agreements within the regulatory environment, as well as developments in airport law, for a one (1) year term commencing on January 1, 2022 and continuing through December 31, 2022.

§2. For the aforesaid services rendered to the County by the Firm, the Firm shall be paid at the blended rate of Three Hundred Eighty (\$380.00) Dollars per hour for all lawyers, not-to-exceed the aggregate sum of One Hundred Thousand (\$100,000.00) Dollars.

§3. The County Executive or his authorized designee, be and hereby is authorized to execute all instruments and to take all actions reasonably necessary to carry out the purposes of this Act.

§4. This Act shall take effect immediately.