

ACT 64 - 2023

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

Your Committee is in receipt of a communication from the County Attorney recommending the approval of an Act which, if adopted by your Honorable Board, would authorize the County of Westchester, acting by and through its Department of Information and Technology (the "County"), to enter into an agreement (the "Agreement") with The Law Office of Alan S. Tilles ("Alan Tilles"), to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the licensing of new and/or the modification of existing Federal Communications Commission ("FCC") licenses in the County's name in order to permit the County to expand the County's existing Ultra-High Frequency ("UHF") T-Band trunked radio system and the UHF paging system.

As a way of background, the County operates large multi-site, multi-frequency, conventional and trunked, voice and data, public safety, transportation, and other government radio systems under approximately 100 FCC licenses for frequencies in the VHF Low Band, VHF High Band, UHF (including T-Band), 700 MHz, 800 MHz, and microwave bands. These licenses cover more than fifteen (15) primary infrastructure sites, a similar number of secondary infrastructure sites, approximately 130 location-specific control station sites, and numerous mobile and 6.1m control stations. Several of the County's large systems were recently replaced and/or expanded. As such, the County is faced with the need to hire counsel to identify and license a number of new frequencies, as well as to modify certain existing licenses.

The County Attorney has advised your Committee, that, pursuant to the Agreement, Alan Tilles will provide insight, guidance, advice, and interpretation of FCC rules and regulations, prepare and submit FCC and Federal Aviation Administration filings related to radio tower and other antenna support structure registration, including with respect to the licensing of UHF frequencies, and provide assistance with other related matters, on an ongoing and as as-needed basis ("Services"). The term of the proposed Agreement will be for five (5) years, commencing upon execution of the Agreement by both parties, unless terminated earlier pursuant to the terms of the Agreement.

The County Attorney has also advised your Committee that under the proposed Agreement, Alan Tilles will be paid a total amount not-to-exceed Seventy-Five Thousand and 00/100 Dollars (\$75,000.00), payable at a rate of Five Hundred and Seventy-Five and 00/100 Dollars (\$575.00) per hour. Alan Tilles may bill the County for the cost of frequency coordination fees paid to FCC-certified frequency coordinators on behalf of the County and charge an administrative fee of not more than 10% of the amount of the frequency coordination fees paid. In addition, Alan Tilles may bill the County for other expenses incurred on the County's behalf provided it obtains written approval from the County Attorney in advance.

The County Attorney has further advised your Committee that due to the complex and specialty nature of FCC rules and regulations and the applicable laws with respect to the licensing of UHF frequencies, it is in the best interests of the County to retain counsel qualified to handle such matters. In accordance with the Westchester County Procurement Policy on January 20, 2023, the County solicited written quotes from the following law firms: (i) Alan Tilles, 350 Fortune Terrace, Suite C, PMB 115, Potomac, MD 20854; (ii) Hogan Lovells US LLP, 555 Thirteenth Street, NW, Washington, DC 20004 ("Hogan Lovells"); and (iii) Wilkinson Barker Knauer, LLP, 1800 M Street, NW, Suite 800 N, Washington, DC 20036. The County received two (2) quotes, one from Alan Tilles and another from Hogan Lovells.

Your Committee is further advised that Alan Tilles specializes in this type of work. Alan Tilles is well known for his work in the public safety land mobile radio field. His proposal includes a list of ~90 city, county, and state agencies for whom he has provided services in this field. He has 35+ years of experience representing clients before the FCC in rule makings, applications and contested proceedings. He is a sole proprietor, and his quoted rate is \$575 per hour was the lowest of the two (2) proposals received.

Your Committee is also advised that after careful evaluation of the two proposals, the County has determined that it is in its best interest to award a contract to Alan Tilles based on his level of expertise in FCC matters and significant experience in dealing with government entities.

The Planning Department has advised that the proposed Agreement does not meet the

definition of an "action" under the State Environmental Quality Review Act, 6 NYCRR part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

Your Committee has been advised that the adoption of the proposed Act requires an affirmative vote of a majority of the members of your Honorable Board.

After due consideration, your Committee recommends adoption of the proposed Act.

Dated: March 27, 2023
White Plains, New York

COMMITTEE ON

C:CMC.02.28.2023

Carl Park

*W.P.M.
Vedat Jasiri
J. [Signature]*

*David J. Tubiolo
James Bell [Signature]*

Budget & Appropriations

*Carl Park
[Signature]
W.P.M.
Vedat Jasiri*

Law + Major Contracts

Dated: March 27, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Nancy E. Dan

Jeff Rein

Catherine Boy

Nancy E. Dan

Catherine Boy

COMMITTEES ON

Budget & Appropriations

Law & Major Contracts

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BIT32

NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Source of County Funds (check one):

Current Appropriations

Capital Budget Amendment

\$75,000 to be charged to BIT32-09-S covered by Bond Act 208-2021

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal

PPU

Anticipated Interest Rate

Anticipated Annual Cost (Principal and Interest):

Total Debt Service (Annual Cost x Term):

\$ -

Finance Department:

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations
(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded:

N/A

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Dianne Vanadia

Title: Sr. Budget Analyst

Department: Budget Department

Date: 3/8/23

Reviewed By: 

DV 3/8/23
Budget Director

Date: 3/9/23

AN ACT authorizing the County of Westchester to retain, at County's expense, The Law Office of Alan S. Tilles ("Alan Tilles"), to serve in an "of counsel" capacity to the County Attorney, on an as needed basis, in connection with the licensing of new and/or the modification of existing FCC licenses in the County's name in order to permit the County to expand the County's existing UHF T-Band trunked radio system and the UHF paging system.

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

Section 1. The County of Westchester (the "County") is hereby authorized to enter into an agreement (the "Agreement") with The Law Office of Alan S. Tilles ("Alan Tilles") to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the licensing of new and/or the modification of existing Federal Communications Commission ("FCC") licenses in the County's name in order to permit the County to expand the County's existing Ultra-High Frequency ("UHF") T-Band trunked radio system and the UHF paging system.

§2. Alan Tilles is hereby authorized to provide, inter alia, insight, guidance, advice, and interpretation of FCC and related laws and regulations and prepare and submit FCC and Federal Aviation Administration filings related to radio tower and other antenna support structure registration, including with respect to the licensing of UHF frequencies, and assistance with other related matters, on an ongoing and as as-needed basis ("Services").

§3. The Agreement shall be for a term of five (5) years commencing upon execution of the Agreement by both parties, unless otherwise earlier terminated pursuant to the terms of the Agreement.

§4. For the Services, Alan Tilles will be paid a total amount not-to-exceed Seventy-Five Thousand and 00/100 Dollars (\$75,000.00), payable at a rate of Five Hundred and Seventy-Five and 00/100 Dollars (\$575.00) per hour. Alan Tilles may bill the County for the cost of frequency coordination fees paid to FCC-certified frequency coordinators on behalf of the County and charge an administrative fee of not more than 10% of the amount of the frequency coordination fees paid. In addition, Alan Tilles may bill the County for other expenses incurred on the County's behalf only upon prior written approval from the County Attorney.

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

§6. This Act shall take effect immediately.

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 64 - 2023, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on April 3, 2023, and approved by the County Executive on April 4, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 5th day of April, 2023.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

