

BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if enacted by your Honorable Board, would authorize the County Attorney to commence an action on behalf of the County of Westchester against Proteus On-Demand Facilities, LLC (“Proteus”) relating to a lease agreement for temporary structures (the “Lease”). The temporary structures were designed to lodge sixteen- and seventeen-year olds who have been detained as juveniles as a result of New York State’s Raise the Age Law (“Raise the Age”).

The County and Proteus entered the Lease on August 6, 2018. Under the Lease, the County leased two temporary structures from Proteus, which Proteus agreed to install and annex to Woodfield. The Lease was intended to be used to detain sixteen- and seventeen-year-olds who, as a result of Raise the Age, cannot be detained in the Westchester County Jail. The Lease runs through Friday, September 1, 2023, with the County obligated to make nineteen additional monthly lease payments of \$69,000, for a total expense of \$1,311,000.00.

Experience has proved that the temporary structures are unfit for purpose. The County Attorney has therefore recommended commencing an action for a court order (i) to enforce the County’s rights; and (ii) for such other relief as is necessary to wind up tertiary disputes related to the Lease.

Your Committee concurs with the County Attorney and the Commissioner of the Department of Probation, Rocco Pozzi, and therefore recommends that the Board approve the accompanying Act authorizing the County Attorney to initiate such legal action against Proteus On-Demand Facilities, LLC.

An affirmative vote of a majority of the Board is required to pass this Act.

Dated: White Plains, New York
January 31, 2022



COMMITTEES ON

Colin Adams
Budget & Appropriations

Debra Gadi *Maury Barr*

W. M. ...
...
...

Colin Adams
Law & Major Contracts

Debra Gadi
...
Maury Barr

l:stc- 2022 01 24

Dated: January 31st, 2022

White Plains, New York

The following members attended the meeting remotely, pursuant to Chapter 1 of New York State Laws of 2022, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Budget & Appropriations



Catherine F. Parker

David Q. Jablonski



Law & Major Contracts



Catherine F. Parker

ACT NO. 2022

AN ACT authorizing the County Attorney to commence an action on behalf of the County of Westchester against Proteus On-Demand Facilities, LLC relating to a lease agreement for temporary structures.

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

1. The County Attorney is authorized to commence an action on behalf of the County of Westchester against Proteus On-Demand Facilities, LLC relating to a lease agreement for temporary structures.
2. The County Attorney or her designee be and hereby is authorized to execute and deliver all documents and take such actions as the County Attorney deems necessary and desirable to accomplish the purposes hereof.
3. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Civil Litigation to Void Lease (Proteus)

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ -0

Total Current Year Revenue \$ _____

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 101-39 2000:2200-4380

Potential Related Operating Budget Expenses: Annual Amount \$ _____

Describe: _____

Potential Related Revenues: Annual Amount \$ _____

Describe: _____

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

Current Year: _____

Next Four years: _____

Prepared by: Sean T. Carey

Title: Senior Assistant County Attorney

Department: Law

Reviewed By: _____



Budget Department

If you need more space, please attach additional sheets.