

BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if enacted by your Board, would authorize the County of Westchester to enter a settlement and general release agreement fully resolving the plenary action titled *County of Westchester v. Proteus On-Demand Facilities, LLC*, Index No. 56257/2022 (Sup Ct, Westchester County) (the “Action”).

On February 8, 2022, the Westchester County Attorney’s Office—as authorized by the Westchester County Board of Legislators and the Westchester County Executive pursuant to the duly adopted Act. No. 8-2022—commenced the Action against Proteus On-Demand Facilities, LLC (“Proteus”). The subject of the Action was a lease agreement between the County and Proteus (the “Lease”), which was for the use of temporary structures intended to lodge sixteen- and seventeen-year olds facing criminal charges as juveniles as a result of New York State’s Raise the Age Law (the “Temporary Structures”).

As a result of negotiations with Proteus’s counsel, the terms of a proposed settlement were negotiated. Under the terms of the proposed settlement, the County would pay Proteus one million six hundred thousand and 00/100 dollars (\$1,600,000.00); the Lease would be terminated; and the County would purchase the Temporary Structures.

Your Committee recognizes that entering into the proposed settlement will allow the County to settle this matter without further litigation or trial. Moreover, despite reasonably strong defenses, the County was facing potential liability in excess of the settlement amount.

Your Committee has carefully considered the matter and recommends approval of the annexed Act. The Act, which would authorize the County to enter into the proposed settlement to effectuate the resolution of the lawsuit, is in the best interests of the County.

Your Committee therefore recommends this Honorable Board approve the annexed Act authorizing the County to enter into the proposed settlement of the above-referenced lawsuit. An affirmative vote by a majority of the Board is required to pass this Act.

Dated: White Plains, New York  
July 11<sup>th</sup>, 2022

Mancippan  
David J. Tubito  
Lance Green  
John  
Cath Pak  
Will My  
Colin

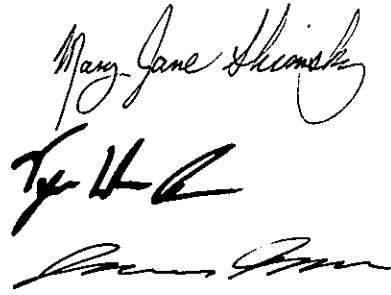
Budget & Appropriations

Nancy Dan  
Cath Pak  
Will My  
Colin

Law & Major Contracts

Dated: July 11, 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.**



Mary Jane Skomsky  
Ty H.  
[Signature]



Mary Jane Skomsky

**COMMITTEES ON**

Budget & Appropriations

Law & Major Contracts

ACT NO. 2022

An Act authorizing the County of Westchester to settle the pending action *County of Westchester v. Proteus On-Demand Facilities, LLC*, Index No. 56257/2022 (Sup Ct, Westchester County)

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

1. The County of Westchester is hereby authorized to settle the plenary proceeding pending in the Supreme Court of the State of New York, County of Westchester, titled *County of Westchester v. Proteus On-Demand Facilities, LLC*, Index No. 56257/2022 (Sup Ct, Westchester County), including all claims by and between the County and defendant Proteus On-Demand Facilities, LLC, that exist as of the date of this Act, by disbursing to Defendant an amount not to exceed one million six hundred thousand and 00/100 dollars (\$1,600,000.00).
2. The County Attorney or his designee is hereby authorized to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose 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      \$ 1600000

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

6-24-22

If you need more space, please attach additional sheets.