

**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 (the "County") to amend an agreement (the "Agreement") with the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP ("Paul, Weiss"). Your Committee has been advised that, pursuant to the Agreement, the County retained Paul, Weiss, at County expense, to serve in an "of counsel" capacity to the County Attorney in connection with the Chapter 11 bankruptcy petition and the adversary proceeding (the "Adversary Proceeding") filed by Standard Amusements LLC ("Standard") in the United States Bankruptcy Court for the Southern District of New York. Your Committee has been advised that, in the Adversary Proceeding, Standard claimed that the County breached the Amended and Restated Playland Management Agreement (the "Management Agreement"). Your Committee has been advised that the County asserted counterclaims for breach against Standard.

Your Committee has been advised that the proposed amendment would increase the authorized not-to-exceed amount of the Agreement (the "NTE Amount") by Ninety Thousand Dollars (\$90,000.00), from an amount not-to-exceed Five Million Five Hundred Thousand Dollars (\$5,500,000.00) to a new amount not-to-exceed Five Million Five Hundred Ninety Thousand Dollars (\$5,590,000.00), which shall be payable at various hourly rates for various personnel. Your Committee has been advised that the hourly rates to be paid by the County include a previously-obtained additional discount of 5% off of the standard hourly rates from Paul, Weiss, which was in addition to the discount of 15% that was originally provided, meaning

that the total discount from the firm's standard hourly rates is now 20% for pending and future invoices.

Your Committee has also been advised as follows, by the County Attorney, concerning the proposed amendment:

The reason for the requested increase in the NTE Amount is twofold: (1) During the period from February through April 2021, Paul, Weiss partner Elizabeth Sacksteder participated with the County Attorney's Office in multiple meetings before committees of the Board of Legislators to explain and answer questions about the revised Playland Management Agreement. Ms. Sacksteder was also involved in negotiations with Standard Amusements and its investors' counsel over revisions to the Playland Management Agreement requested by the Board of Legislators. This work amounts, through June, to \$69,446.83 in currently-owed fees, of which \$41,476.69 needs to be added to the NTE Amount. (2) The remainder of the increase in the NTE Amount under the proposed amendment will be for the possible need for Paul, Weiss services for the rest of this year.

Your Committee concurs with the conclusion that the proposed amendment does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617. Accordingly, 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.

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: November 8, 2021

White Plains, New York

Ruth Weber Cathie G Vedat Galin Dad M (w) Benjamin Bayliff	Colin O'Neil K. Starl Vedat Galin Benjamin Bayliff	Ruth Weber David J. Tulek (w) Benjamin Bayliff II
Budget & Appropriations	Law & Major Contracts	Parks & Recreation

COMMITTEE ON

Dated: November 8, 2021

White Plains, New York

**The following members attended the meeting remotely, as per Governor Cuomo's Executive Order 202.1 and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.**

Committee(s) on:

**Parks & Recreation**

Catherine F. Parker  
Mary Jane Skimsky

**Budget & Appropriations**

Catherine F. Parker  
Alfred Willis  
Margaret A. Conzio  
Nancy E. Pan  
Tye H. [Signature]  
Christy [Signature]

**Law & Major Contracts**

Colin J. [Signature]  
Mary Jane Skimsky  
Nancy E. Pan  
Tye H. [Signature]

# FISCAL IMPACT STATEMENT

SUBJECT: Paul Weiss Amendment

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 \$ 90,000

Total Current Year Revenue \$ -

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

Additional Appropriations

Other (explain)

Identify Accounts: 101-18-1000-4923

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Potential Related Operating Budget Revenues: Annual Amount \$ -

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Current Year: \_\_\_\_\_  
\_\_\_\_\_

Next Four Years: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Prepared by: Gideon Grande

Title: Deputy Director

Department: Budget

Date: September 9, 2021

Reviewed By: 

Budget Director

Date: 9/9/21

ACT NO. 2021 - \_\_\_\_\_

AN ACT authorizing the County to amend an agreement with the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, pursuant to which the firm was retained, at County expense, to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with the bankruptcy filing (Case No. 19-23061) by Standard Amusements LLC in the United States Bankruptcy Court for the Southern District of New York, by increasing the authorized not-to-exceed amount of the agreement by \$90,000.00.

**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 amend an agreement (the “Agreement”) with the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP (“Paul, Weiss”), pursuant to which the County retained Paul, Weiss, at County expense, to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with the bankruptcy filing (Case No. 19-23061) by Standard Amusements LLC in the United States Bankruptcy Court for the Southern District of New York, by increasing the authorized not-to-exceed amount of the Agreement by Ninety Thousand Dollars (\$90,000.00), from an amount not-to-exceed Five Million Five Hundred Thousand Dollars (\$5,500,000.00) to a new amount not-to-exceed Five Million Five Hundred Ninety Thousand Dollars (\$5,590,000.00), which shall be payable at various hourly rates for various personnel.

§2. The County Executive 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.

§3. This Act shall take effect immediately.