

Law & Major Contracts Meeting Agenda



Committee Chair: Nancy Barr

800 Michaelan Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, May 17, 2021

10:00 AM

Committee Room

CALL TO ORDER

Joint with Budget & Appropriations committee

MINUTES APPROVAL

April 21, 2021 at 10:00 a.m.

I. ITEMS FOR DISCUSSION

[2021-308](#) ACT - Outside Counsel Agreement with the Wicks Group

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 retroactive to January 1, 2021 for an amount not-to-exceed ONE HUNDRED THOUSAND (\$100,000) DOLLARS.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Guests: County Attorney John Nonna

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT



George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

April 30, 2021

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 retroactive to January 1, 2021 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.

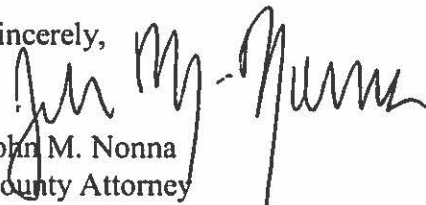
The County continues to require the services of the Firm in 2021 to provide various legal services, as needed, concerning matters in which it has specific expertise not otherwise available in-house, including, but not limited to, compliance with federal law and FAA regulations, application and enforcement 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 retroactive to January 1, 2021 and continuing through December 31, 2021. 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 this is not an action subject to the State Environmental Quality Review Act.

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 retroactive to January 1, 2021 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 2021 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, 2021 and continuing through December 31, 2021. 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 this is not an action subject to the State Environmental Quality Review Act. Therefore, no further environmental review is required. Your Committee concurs with the Planning Department's conclusion.

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: _____, 2021
White Plains, New York

COMMITTEE ON

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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 (Airport Fund)

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

Describe: 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 W C Airport for a term of 1 year commencing retroactive to January 1, 2021 for a NTE amount of \$100,000.

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

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

Current Year: N/A

Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: May 4, 2021

Reviewed By: 

Budget Director

Date: 5/4/21

TO: Jeffrey Goldman, Senior Assistant County Attorney
Department of Law

FROM: David S. Kvinge, AICP, RLA, CFM
Director of Environmental Planning



DATE: May 4, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR
WESTCHESTER COUNTY AIRPORT - RETAINER AGREEMENT**

PROJECT/ACTION: Extension of a retainer agreement with a law firm, having expertise in airport law and regulations, to provide legal counsel in connection with the Westchester County Airport for one additional year, retroactive to January 1, 2021.

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required because the project/action:

DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)

MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTION 617.5(c)():

COMMENTS: None

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Norma Drummond, Commissioner
Claudia Maxwell, Associate Environmental Planner

ACT NO. 2021 - _____

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 retroactive to January 1, 2021 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 retroactive to January 1, 2021 and continuing through December 31, 2021.

§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.