



Kenneth W. Jenkins
County Executive

Department of Law

John M. Nonna
County Attorney

January 26, 2026

Westchester County Board of Legislators
County of Westchester
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Dear Members of the Board of Legislators:

Attached for your consideration is an Act which, if approved by your Honorable Board, would authorize the County of Westchester (the "County") to amend a retainer agreement entered into on or about April 27, 2023 (the "Agreement") with the law firm of Sheppard, Mullin, Richter & Hampton LLP (the "Firm") for the provision of outside counsel legal services in connection with a default (the "Default") by Custom Marine, Inc. ("Custom") under Department of Public Works & Transportation (the "Department") Contract No. 12-517-REV, in order to increase the authorized not-to-exceed amount of the Agreement by Nine Thousand (\$9,000.00) Dollars. The Agreement commenced retroactively on March 13, 2023 and continues until the matter is resolved, and is for an amount not-to-exceed One Hundred Thousand (\$100,000.00) Dollars.

As you may recall, your Honorable Board authorized the County to retain the Firm pursuant to Act No. 2023-73. I am advised that the matter has concluded, however, it is necessary to increase the contract by Nine Thousand (\$9,000.00) Dollars to cover the remaining amount due to the Firm for services provided. The new amount not-to-exceed will be One Hundred and Nine Thousand (\$109,000.00) Dollars, payable in accordance with the fee schedule attached to the Agreement as Schedule "A".

Based upon the foregoing, your Honorable Board's approval of the attached Act is most respectfully requested.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John M. Nonna", written over a horizontal line.

John M. Nonna
County Attorney

JMN/mb
Attachment

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601 Telephone: (914) 995-2831 Fax (914) 995-5858

**HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER**

Your Committee is in receipt of a proposed Act transmitted by the County Attorney which, if adopted, would authorize the County of Westchester (the “County”) to amend a retainer agreement entered into on or about April 27, 2023 (the “Agreement”) with the law firm of Sheppard, Mullin, Richter & Hampton LLP (the “Firm”) for the provision of outside counsel legal services in connection with a default (the “Default”) by Custom Marine, Inc. (“Custom”) under Department of Public Works & Transportation (the “Department”) Contract No. 12-517-REV, in order to increase the authorized not-to-exceed amount of the Agreement by Nine Thousand (\$9,000.00) Dollars. The Agreement commenced retroactively on March 13, 2023 and continues until the matter is resolved, and is for an amount not-to-exceed One Hundred Thousand (\$100,000.00) Dollars.

As you may recall, your Honorable Board authorized the County to retain the Firm pursuant to Act No. 2023-73. The County Attorney has advised that the matter has concluded, however, it is necessary to increase the contract by Nine Thousand (\$9,000.00) Dollars to cover the remaining amount due to the Firm for services provided. The new amount not-to-exceed will be One Hundred and Nine Thousand (\$109,000.00) Dollars, payable in accordance with the fee schedule attached to the Agreement as Schedule “A”.

The Planning Department has advised that this proposed amendment does not meet the definition of an action under New York State Environmental Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of the Board of Legislators.

An affirmative vote of a majority of the voting strength of the Board is required for approval of the attached Act.

Your Committee recommends approval of the attached Act.

Dated: _____, 2026
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: Sheppard, Mullin, Richter 12-517-REV

☐ 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 NTE 9,000

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 \$0

Describe: An act authorizing the County of Westchester to amend a retainer agreement with Sheppard, Mullin, Richter & Hampton LLP in connection with a default by Custom Marine, Inc. under the Dept. of Public Works Contract No. 12-517-REV to increase the NTE amount by \$9,000.

Potential Related Operating Budget Revenues: Annual Amount \$0

Describe: _____

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

Current Year: \$0

Next Four Years: \$0

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: January 7, 2026

Reviewed By:

PH

Budget Director

Date:

1/7/25

ACT NO. – 2026

AN ACT authorizing the County of Westchester to amend a retainer agreement with the law firm of Sheppard, Mullin, Richter & Hampton LLP, for the provision of outside counsel legal services in connection with a default (the “Default”) by Custom Marine, Inc. (“Custom”) under Department of Public Works & Transportation (the “Department”) Contract No. 12-517-REV, in order to increase the authorized not-to-exceed amount of the Agreement by Nine Thousand (\$9,000.00) Dollars.

BE IT ENACTED by the County Board of the County of Westchester, State of New York as follows:

Section 1. The County of Westchester (the “County”) is hereby authorized to amend a retainer agreement entered into on or about April 27, 2023 (the “Agreement”) with the law firm of Sheppard, Mullin, Richter & Hampton LLP (the “Firm”) for the provision of outside counsel legal services in connection with a default (the “Default”) by Custom Marine, Inc. (“Custom”) under Department of Public Works & Transportation (the “Department”) Contract No. 12-517-REV, in order to increase the authorized not-to-exceed amount of the Agreement by Nine Thousand (\$9,000.00) Dollars. The new amount not-to-exceed will be One Hundred and Nine Thousand (\$109,000.00) Dollars, payable in accordance with the fee schedule attached to the Agreement as Schedule “A”.

§2. That except as otherwise expressly amended hereby, all other terms and conditions of the retainer agreement, as previously amended and assigned, shall remain in full force and effect.

§3. This Act shall take effect immediately.