

George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

94663

Date: July 12, 2022

To: Honorable Board of Acquisition & Contract

From: John M. Nonna
County Attorney

Karin Hablow
Commissioner of Finance

Re: Resolution authorizing the County of Westchester to exercise its options with the law firms of Hawkins, Delafield & Wood LLP, Norton Rose Fulbright US LLP and Harris Beach PLLC, for the provision of bond counsel services to the County Attorney, for the option period commencing on August 1, 2022 and terminating on July 31, 2024, in an aggregate amount not to exceed Four Hundred Fifty Thousand Dollars (\$450,000.00) per year, payable pursuant to an approved fee schedule for each Agreement.

On July 25, 2019, your Honorable Board approved a resolution that authorized the County of Westchester (the "County") to enter into agreements ("Agreements") with the following three (3) law firms (individually as the "Law Firm" and collectively as the "Law Firms"), to serve as bond counsel to the County Attorney: 1) Hawkins, Delafield & Wood LLP; 2) Norton Rose Fulbright US LLP; and 3) Harris Beach PLLC, for the period commencing August 1, 2019 through July 31, 2022, with the County having the sole option to renew each Agreement for an additional period of two (2) years, upon the same pricing, terms and conditions. The Agreements are in an aggregate amount not to exceed Four Hundred Fifty Thousand and 00/100 Dollars (\$450,000.00) per year including the option years, payable pursuant to an approved fee schedule for each Agreement. The Agreements were subsequently executed.

The County is now desirous of exercising its option to renew each Agreement for the option period commencing on August 1, 2022 and terminating on July 31, 2024, in an aggregate amount not to exceed Four Hundred Fifty Thousand Dollars (\$450,000.00) per year, payable pursuant to an approved fee schedule for each Agreement.

The County has been satisfied with the services that the Law Firms have been providing on behalf of the County.

On July 15, 2019, the Honorable Westchester County Board of Legislators (“Board of Legislators”), by Act No. 2019-144, authorized the County to retain the Law Firms in accordance with the above terms.

The goals and objectives of the Agreements and the proposed options are to provide the County with the bond counsel expertise that it does not have in-house, which is necessary to represent and assist the County in all matters relating to the issuance of general obligation bonds (e.g.: taxable, tax-exempt and/or Build America Bonds), revenue bonds and/or other methods of financing public projects, including, but not limited to, tax anticipation notes, bond anticipation notes, revenue anticipation notes, debt sold through the New York State Environmental Facilities Corporation and financial matters related to the Westchester County Health Care Corporation.

The services provided under the Agreements and the proposed options will be tracked and monitored by both the Finance Department and the attorneys in the Law Department tasked with working with these firms.

Based upon the foregoing, your favorable action on the annexed Resolution is urged and recommended.

JMN/KH/jpi
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACTS - 07/21/19 - RAYMOND S. DUKAKIS SECRETARY

RESOLUTION

Upon a communication from the County Attorney and the Commissioner of Finance, be it hereby

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to exercise its sole options with the law firms of Hawkins, Delafield & Wood LLP, Norton Rose Fulbright US LLP and Harris Beach PLLC, to serve as the County’s bond counsel, in an “of counsel” capacity to the County Attorney, for the option period commencing on August 1, 2022 and terminating on July 31, 2024, in an aggregate amount not to exceed Four Hundred Fifty Thousand and 00/100 Dollars (\$450,000.00) per year, for a total aggregate amount not to exceed Nine Hundred Thousand Dollars (\$900,000.00) for this option period, payable in accordance with approved fee schedules; and be it further

RESOLVED, that all remaining material terms and conditions of the Agreements shall remain the same; and be it further

RESOLVED, that the Agreements are subject to County appropriations; and be it further

RESOLVED, that the Agreements are also subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of the Agreements. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoptions(s), to conduct an analysis of the impacts of such State Budget on County finances. After such analysis, the County shall retain the right to either, terminate these Agreements or, to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Firms, then the Firms shall have the right to terminate their respective Agreements upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute the Agreements and such documents as may be necessary and appropriate to effect the purposes hereof.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	131	51	2100	4468		\$450,000.00
	131	51	2100	4468		\$450,000.00

Budget Funding Year(s) 2022-2024 Start Date 8/1/22 End Date 7/31/24

(must match resolution)

Funding Source Tax Dollars x
 State Aid _____
\$ 900,000.00 Federal Aid _____
 (must match resolution) Other _____