

**Ken Jenkins**

Chairman of the Board  
Legislator, 16th District

**11171**

To: Honorable Board of Acquisition and Contract

From: Hon. Kenneth W. Jenkins, Chairman  
Westchester County Board of Legislators

Re: **Authority to enter into an agreement with the Westchester Arts Council, Inc., d/b/a ArtsWestchester ("WAC"), pursuant to which WAC will develop and provide new and expanded cultural activities in the City of Yonkers (the "City"), as well as maintain and expand previously launched cultural activities in the City, for the period of November 1, 2010 to August 31, 2011, in an amount not to exceed \$50,000**

The attached Resolution, if approved by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an agreement (the "Agreement") with the Westchester Arts Council, Inc., d/b/a ArtsWestchester ("WAC"), pursuant to which WAC will develop and provide new and expanded cultural activities in the City of Yonkers (the "City"), as well as maintain and expand previously launched cultural activities in the City.

WAC will identify qualifying organizations, issue a request for proposals, manage the selection process, administer funds to the participating organizations, oversee contract compliance and assess their performance. WAC may use subcontractors to assist in carrying out the work, provided that all subcontractors shall be approved in writing by the Chairman of the Board of Legislators. WAC will ensure that the Agreement provides at least ten (10) new or expanded cultural programs, projects and/or activities in the City and that at least twenty-five thousand (25,000) adults and children will benefit from the art services provided.

The term of this Agreement will be for the period of November 1, 2010 to August 31, 2011, in an amount not to exceed Fifty Thousand (\$50,000) Dollars, which will be spent in accordance with an approved budget and payable in two equal installments, the first upon execution of this Agreement and the second installment upon submission of an interim report on April 1, 2011.

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The objective of the Agreement is to help the City develop a vibrant cultural life, to attract new businesses and residents to the City's downtown and to support the County's and the City's shared goal of revitalizing the City, the fourth largest city in the State of New York. The success of the Program will be the participation of at least twenty-five thousand (25,000) adults and children in the cultural activities provided by WAC and its subcontractors. The Agreement's progress shall be tracked by direct reporting of the results to the County Board of Legislators by WAC.

This procurement is exempt from the requirements of the County Procurement Policy and Procedures pursuant to Section 3 (a)(xiii) thereof.

Accordingly, I recommend and urge your Honorable Board's approval of the annexed Resolution.

KWJ/jpi

APPROVED BOARD OF ACQUISITION & CONTRACT - 7-1-2010 - JOMARY VIEIRA SECRETARY

## RESOLUTION

Upon a communication from the Chairman of the Westchester County Board of Legislators, be it hereby

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to enter into an agreement (the "Agreement") with the Westchester Arts Council, Inc., d/b/a ArtsWestchester ("WAC"), pursuant to which WAC will develop and provide new and expanded cultural activities in the City of Yonkers (the "City"), as well as maintain and expand previously launched cultural activities in the City, for the period of November 1, 2010 through August 31, 2011, in an amount not to exceed Fifty Thousand (\$50,000) Dollars payable in two equal installments, the first upon execution of this Agreement and the second installment upon submission of an interim report on April 1, 2011, and be it further

**RESOLVED**, that WAC may utilize subcontractors to assist in carrying out the terms of this Agreement, provided that such subcontractors shall be approved by the Chairman of the Board of Legislators in writing, and be it further

**RESOLVED**, that the Agreement is subject to County appropriations; and be it further

**RESOLVED**, that the Agreement is 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 this Agreement. 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 adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate the Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Service Provider, then the Service Provider shall have the right to terminate the Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the Chairman of the Westchester County Board of Legislators, or his authorized designee, is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	52	2010	5100		\$50,000

Budget Funding Year(s) 2010 Start Date 11/1/10 End Date 8/31/11  
(must match resolution)

Funding Source Tax Dollars \$50,000  
State Aid \_\_\_\_\_  
**\$ 50,000** Federal Aid \_\_\_\_\_  
(must match resolution) Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 7-1-2010 - JOMARY VIEIRA, SECRETARY