



Department of Emergency Services

Memorandum

11221

DATE: May 5, 2010

TO: The Honorable Board of Acquisition and Contract

FROM: Anthony W. Sutton
Commissioner of Emergency Services

RE: **Authority to enter into Intermunicipal Agreements with one or more municipal corporations whereby the municipality will use and operate one or more of the County's specialized trailers to assist the County's emergency response efforts by providing deployment and support services during a disaster for a five year term commencing upon execution.**

Authorization is requested for the County of Westchester ("County"), acting by and through its Department of Emergency Services (the "Department"), to enter into Intermunicipal Agreements ("IMAs") with one or more Westchester County municipal corporations as defined in Article 5-G of the New York State General Municipal Law ("Municipality") whereby the Municipality will use and operate one or more of the Department's specialized trailers to assist the County's emergency response efforts by providing deployment and support services during a disaster.

The Westchester County Board of Legislators authorized these IMAs at a meeting duly held on April 26, 2010, by Act No. 31-2010. This authorization is effective January 1, 2010. The term of each IMA will not exceed five (5) years and either party may cancel the agreement on thirty (30) days written notice. It should be noted that Act No. 31-2010 contains a sunset provision and as such the authority to enter into these IMAs is effective until 11:59 p.m. December 31, 2011.

The proposed IMAs will provide that upon notification by the Department's Emergency Communications Center (ECC- "60 Control") the Municipality will transport the trailer to the site of the incident and will assist the County with emergency response efforts as the County may direct. The Municipality will be permitted to use the trailer for its own emergency situations and for training exercises as well, giving the County priority access to the trailer if necessary. In addition, the Municipality will be responsible, at its sole cost, to keep the trailer in clean condition and good order. The County will perform routine maintenance and upkeep and also be responsible for providing the supplies and equipment necessary to operate the trailer. The County will retain ownership of the trailer. In addition, the IMAs will obligate the Municipality

to indemnify and hold harmless the County from and against all claims, damages, loss, and liability for injury to persons or damage to property arising from Municipality's possession and/or use of the trailer.

The goals and objectives of this program are to gain assistance of local Municipalities in County preparedness and response efforts by pre-deploying assets and specialized trailers in those municipalities for them to house, transport and operate during disasters. The proposed IMAs are in the public's best interest and will promote the safety and general welfare of the public by assuring the timely deployment of resources vital to disaster response throughout the County and increasing the County's ability to respond to emergency situations in Westchester County. The proposed IMAs will bolster and play a vital role in local disaster preparedness capabilities, as well as assist with the implementation of the Westchester County Comprehensive Emergency Management Plan. The Department will monitor this program through routine inspections and inventory verification as well as through ongoing exercise and drill activities.

Based upon the foregoing, I most respectfully recommend approval of the attached Resolution.

AWS/TSA/ta
Att.

APPROVED BOARD OF ACQUISITION & CONTRACT - 5-20-2010 - JOMAR VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Emergency Services, be it hereby

RESOLVED, that effective January 1, 2010, the County of Westchester, acting by and through its Department of Emergency Services (“Department”) is authorized to enter into an agreement (the “Agreement”) with one or more Westchester County municipal corporations as defined in Article 5-G of the New York State General Municipal Law (“Municipality”) whereby the Municipality shall use and operate one or more of the Department's specialized trailers to assist the County's emergency response efforts by providing deployment and support services during a disaster; and be it further

RESOLVED, that under such Agreement upon notification by the Department's Emergency Communications Center (ECC- “60 Control”) the Municipality shall transport the trailer to the site of the incident and assist the County with emergency response efforts as the County may direct. The Municipality shall be permitted to use the trailer for its own emergency situations and for training exercises as well, giving the County priority access to the trailer if necessary. In addition, the Municipality shall be responsible, at its sole cost, to keep the trailer in clean condition and good order. The County shall perform routine maintenance and upkeep and shall retain ownership of the trailer. In addition, the Agreement shall obligate the Municipality to indemnify and hold harmless the County from and against all claims, damages, loss, and liability for injury to persons or damage to property arising from Municipality's possession and/or use of the trailer; and be it further

RESOLVED, that the Agreement shall commence upon execution and continue for a five (5) year term. Both parties shall have the right to terminate the Agreement on thirty (30) days notice to the other; and be it further

RESOLVED that this Agreement is subject to County appropriations; and be it further

RESOLVED that this 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 this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive 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
					N/A

Budget Funding Year(s) _____ Start Date upon execution End Date: 5 years
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
\$ N/A Federal Aid _____
 (must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 5-20-2010 - JOMARY VEIRA, SECRETARY