

**Ken Jenkins**Chairman of the Board  
Legislator, 16th District

#12972

Date: July 12, 2010

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. ("WAC"), pursuant to which WAC will develop marketing campaigns and other advertising and publicity to increase access to and participation in the arts by families and individuals, especially those with low to moderate incomes, for the period April 1, 2010 through December 31, 2010, for an amount not to exceed Fifty Thousand (\$50,000) Dollars**

The attached Resolution, if approved by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an agreement with the Westchester Arts Council, Inc. ("WAC"), pursuant to which WAC will develop marketing campaigns and other advertising and publicity to increase access to and participation in the arts by families and individuals, especially those with low to moderate incomes, for the period April 1, 2010 through December 31, 2010, for an amount not to exceed Fifty Thousand (\$50,000) Dollars, payable half upon execution and half upon WAC's submission of a final report to the County.

The public purpose of the proposed agreement is to increase County residents' access to, and participation in, the arts by families and individuals—especially those residents of the County with low to moderate incomes.

The goals and objectives of the proposed agreement are as follows:

1. Develop and implement a collaborative marketing campaign to promote "**Music in the Air**," a five-month long cultural initiative of free and affordable outdoor music events. The campaign promotes outdoor concerts presented in public locations throughout the county, between June and October 2010.
2. Develop and implement a collaborative marketing campaign designed to celebrate traditional and contemporary arts of Central America, Mexico and South America (the "**Latino Cultural Festival**") and to build participation in these events, which run

from September through December 2010.

Specifically, WAC will:

1. Identify appropriate cultural events and activities
2. Compile information from municipalities, cultural organizations and community groups
3. Add appropriate events to the <http://www.artswestchester.org> calendar
4. Develop a marketing campaign driving people to the above-referenced website, <http://www.artswestchester.org>
5. Create landing pages for “Music in the Air” on <http://www.artswestchester.org> and for the “Latino Cultural Festival”
6. Design promotional pieces for each campaign, and distribute to libraries and city halls throughout the county
7. Advertise in local media and on the web, and on local buses
8. Develop and distribute public service announcements (“PSAs”) for public access and cable television, and for radio
9. Design and distribute broadcast emails (“e-blasts”) promoting “Music in the Air” events and the “Latino Cultural Festival”
10. Run feature stories on “Music in the Air” and “Latino Cultural Festival” in WAC’s ArtsNews

The goals and objectives of the proposed agreement are in the best interests of the County in terms of health and the environment, as it will promote County residents’ access to and participation in the arts—especially families and individuals with low to moderate incomes—and encourage such residents to become physically active in participating in such events, both outdoors and otherwise.

The goals and objectives of the proposed agreement will be tracked and monitored through WAC’s direct reporting of pertinent information to the County.

The proposed agreement shall require that all subcontractors used by WAC in performance of its obligations with respect thereto shall be approved in writing by the Chairman of the Board of Legislators.

The proposed agreement is exempt from the requirements of the Westchester County Procurement Policy pursuant to Section 3(a) xiii thereof.

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

KWJ/SS/cji

## 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 ("Agreement") with the Westchester Arts Council, Inc. ("WAC"), pursuant to which WAC will develop marketing campaigns and other advertising and publicity to increase access to and participation in the arts by families and individuals, especially those with low to moderate incomes, for the period April 1, 2010 through December 31, 2010, for an amount not to exceed Fifty Thousand (\$50,000) Dollars, payable half upon execution and half upon WAC's submission of a final report to the County; and be it further

**RESOLVED**, that the Agreement shall require that all subcontractors used by WAC in performance of its obligations with respect thereto shall be approved in writing by the Chairman of the Board of Legislators.

**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 4/1/10 End Date 12/31/10  
(must match resolution)

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

APPROVED BOARD OF ACQUISITION & CONTRACT - 8-5-2010 - JOMARY VIEIRA, SECRETARY