

19673

June 7, 2011

To: Board of Acquisition and Contract

From: John J. Hsu, P.E.
Commissioner of Public Works and Transportation

Mary J. Mahon
Director of Real Estate

Re: Authority to enter into intermunicipal agreements with municipalities located within the County in connection with the County-Wide Bus Shelter Program (Agreement No. 11-915)

Authority is requested to enter into intermunicipal agreements (“IMAs”) with municipalities located within the County in connection with the County-Wide Bus Shelter Program. The IMAs will provide for the continued operation of existing bus shelters and the addition of new shelters in the municipalities on an as-needed basis. The shelters are erected and maintained by Clear Channel Outdoor, Inc. (“Clear Channel”) pursuant to a license agreement with the County. Clear Channel in turn sells advertising space on the shelters. In consideration for allowing the County to erect and maintain bus shelters in public rights-of-way and other authorized areas, participating municipalities will receive 50% of the County’s share of advertising revenue derived from the shelters, after a deduction to cover the County’s administrative costs. The IMAs will have a five (5) year term concurrent with the Clear Channel license agreement from April 1, 2011 through March 31, 2016.

On May 9, 2011, the Westchester County Board of Legislators approved these IMAs by Act No. 62-2011. These agreements are exempt from the operation of the Westchester County Procurement Policy pursuant to Section 3(a)(iii) of such Policy.

The objective of these IMAs is to provide for the continued operation of existing bus shelters and the addition of new shelters in the municipalities and to establish the responsibilities of the County and the participating municipalities regarding the County’s Transit Shelter License agreement with Clear Channel. These IMAs are in the public’s best interest because it enables the County and each participating municipality to have transit shelters provided at no cost, assign the licensee the responsibility for the installation and maintenance of the shelters and offer a share in the advertising revenue provided by the licensee.

At the end of each licensed year ending in March 31st, the County will deduct its share of the advertising revenue to determine the participating municipalities’ portion. Their portion is then divided by the total number of shelters located throughout the County. Municipality payments are distributed in May.

Approval of the attached resolution by your Honorable Board is requested.

RESOLUTION

Agreement No. 11-915

Upon a communication from the Commissioner of Public Works and Transportation and the Director of Real Estate, be it hereby

RESOLVED, that the County of Westchester (the "County") is authorized to enter into intermunicipal agreements ("IMAs") with municipalities located within the County for a five (5) year term from April 1, 2011 through March 31, 2016, in connection with the County-Wide Bus Shelter Program; and be it further

RESOLVED, that the IMAs will provide for the continued operation of existing bus shelters and the addition of new shelters in the municipalities on an as-needed basis. In consideration for allowing the County to erect and maintain bus shelters in public rights-of-way and other authorized areas, participating municipalities will receive 50% of the County's share of advertising revenue derived from the shelters, after a deduction to cover the County's administrative costs; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments necessary to implement this Resolution.

Account to be Charged/credited

| Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub Object | Trust Account | Dollars |
|------|------|--|--------------------|---------------|------------------------|
| | | | | | \$ 0.00 year 2011 |
| 101 | 44 | 2100 | 5125 | | \$290,000.00 year 2012 |
| 101 | 44 | 2100 | 5125 | | \$315,000.00 year 2013 |
| 101 | 44 | 2100 | 5125 | | \$340,000.00 year 2014 |
| 101 | 44 | 2100 | 5125 | | \$365,000.00 year 2015 |
| 101 | 44 | 2100 | 5125 | | \$390,000.00 year 2016 |

Budget Funding Year(s) 2011-2016
(must match resolution)

Start Date 04/01/2011

End Date 03/31/2016

Funding Source

Tax Dollars \$1,700,000.00

State Aid _____

Federal Aid _____

\$1,700,000.00
(must match resolution)

Other _____

APPROVED BOARD OF ACQUISITION CONTRACT - 00330281 - JOMERY VIEIRA, SECRETARY