

21772

October 13, 2011

TO: The Honorable Board of Acquisition & Contract

FROM: Kathleen M. O'Connor, Commissioner
Department of Parks, Recreation and Conservation

RE: Authority to enter into a License Agreement with the Westchester Ballet Company, P.O. Box 694, 95 Croton Avenue, Ossining, NY 10562 to present three (3) performances of "The Nutcracker" Holiday Show at the Westchester County Center in December 2011, for the term commencing September 1, 2011 and terminating December 31, 2011

Authority is hereby requested of this Honorable Board for the County of Westchester to enter into a license agreement with the Westchester Ballet Company, P.O. Box 694, 95 Croton Avenue, Ossining, NY 10562 (hereinafter "WBC"), to present three (3) performances of "The Nutcracker" Holiday Show (hereinafter the "Production") at the Westchester County Center in December of 2011 as follows:

Dates & Times

Saturday – Two Shows	12/17/11	12:30 p.m. and 4:30 p.m.
Sunday – One Show	12/18/11	2:00 p.m.

In addition to granting a License for use of designated areas of the Westchester County Center, the County will provide the WBC with Department staff, marketing assistance for the Production and with Westchester County Police for public security on performance dates. The WBC will directly retain and pay all costs for Theatrical Stagehand Employees, Local No. One I.A.T.S.E., AFL-CIO required for the Production.

In consideration of the granting of the License and for the additional services described above, the WCB will pay the County a License fee of Twenty Five Thousand (\$25,000.00) Dollars at the conclusion of the Production, as follows:

The County will collect all ticket sale revenues generated by the Production;
The total ticket sale revenue will first go toward the County's License Fee;
Any remaining ticket sale revenue will be paid to the WBC by the County.

Tickets will be available for sale at the Westchester County Center box office and all Ticketmaster locations and will be priced as follows:

Advance Ticket Prices for Saturday, Sunday Shows	\$14.00 for seniors (60+) and children (2 – 10 yrs.) \$20.00 for adults
Group Ticket Prices (20 or more)	\$12.00 for seniors (60+) and children (2 – 10 yrs.) \$18.00 for adults
Group of 100 or more people	\$12.00 per person

All tickets purchased on the day of the performance - \$25.00 per ticket.

Westchester County Center has a no refund policy on all ticket sales.

The objective of bringing “The Nutcracker” to the Westchester County Center is to attract residents, school groups and visitors from the tri-state area and provide them with an opportunity to enjoy a professional production by the Westchester Ballet Company. The public interest will be served by this agreement as it offers an artistic and cultural experience locally at a reasonable price.

Department of Parks, Recreation and Conservation personnel will track and monitor the terms of the agreement through interaction with Westchester Ballet Company staff and with frequent site visits.

This contract is exempt from the County's Procurement Policy since this is a contract with a not for profit organization for the support, enhancement, or preservation of cultural resources and the arts, pursuant to Section 3(a) xiii thereof.

A resolution is attached for your favorable consideration.

KMO/di

RESOLUTION

Upon a communication from the Commissioner of Parks, Recreation and Conservation, be it hereby

RESOLVED, that the County of Westchester is hereby authorized to enter into an License Agreement with the Westchester Ballet Company, P.O. Box 694, 95 Croton Avenue, Ossining, NY 10562 (hereinafter "WBC"), for use of designated areas of the Westchester County Center to present three (3) performances of "The Nutcracker" Holiday Show (hereinafter the "Production") at the Westchester County Center in December 2011, for the term commencing September 1, 2011 and terminating December 31, 2011 (the "License"); and be it further

RESOLVED, that the County will provide the WBC with Department staff, marketing assistance for the Production and with Westchester County Police for public security on performance dates; and be it further

RESOLVED, that WBC shall pay the County a License Fee of \$25,000 payable as follows:

the County will collect all ticket sale revenues generated by the Production;

the total ticket sale revenue will first go toward the County's License Fee;

any remaining ticket sale revenue will be paid to the WBC by the County; and be it further

RESOLVED that the WBC will directly retain and pay all costs for Theatrical Stagehand Employees, Local No. One, I.A.T.S.E., AFL-CIO required for the Production; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute the above contract on behalf of the County of Westchester.

This Agreement \$25,000

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
165	42	7150	9107		\$25,000

Budget Funding Year(s) 2011 Start Date 9/1/11 End Date 12/31/11
(must match resolution)

Funding Source Tax Dollars _____

State Aid _____

\$ 25,000 Federal Aid _____

(must match resolution) Other revenue _____