

22860

TO: The Honorable Board of Acquisition and Contract

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

DATE: November 4, 2011

SUBJECT: **Authority to enter into Intermunicipal Agreements (“IMAs”) with 42 local municipalities pursuant to a Grant Agreement with the State of New York Governor’s Traffic Safety Committee for the Purpose of Administering a Selective Traffic Enforcement Program for 42 Police Departments (Agreement No. 11-931)**

Authority is hereby requested for the County of Westchester to enter into Intermunicipal Agreements with 42 local municipalities pursuant to the Grant Agreement with the State of New York Governor's Traffic Safety Committee for the purpose of administering a program for Selective Traffic Enforcement for 42 police departments.

This grant provides funds in the amount of \$170,100 without a County match. The County receives part of this allocation, \$13,000 for program administration and public information materials. The police departments share the personal service allocation of \$157,100 based on a distribution formula developed by the NYS Governor’s Traffic Safety Committee, which divides the funding into four tiers. The County will reimburse the municipalities based on this formula.

In addition, pursuant to the IMAs, the municipalities would indemnify and hold harmless the County, its elected officials, officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney’s fees or loss arising directly or indirectly from the implementation of this grant program and of the acts or omissions by the municipalities or third parties under the direction or control of the municipalities.

Pursuant to Act No. 153-2011, the Westchester County Board of Legislators authorized the County to enter into these IMAs. These Agreements will promote public health, safety and general welfare of the residents of Westchester County by providing expanded high visibility police presence to increase community awareness in the areas of speeding, aggressive driving and seat belt use and, therefore, reduce motor vehicle crashes, injuries and fatalities. Moreover, the program is fiscally responsible as it is grant funded and reduces the burden on the local tax base. There are no energy or environmental components associated with this Agreement.

This department will utilize the National Highway Traffic Safety Administration and the NYS Governor’s Traffic Safety Committee’s procedures, set of data collection forms and tools to track the program’s success in accomplishing goals and objectives. This department will submit expense records/vouchers for reimbursement through the County’s Advantage Financial System to track the grant monies for this Agreement and will use other internal methods working with the department’s Financial Control section to track expenses and prepare vouchers for reimbursement.

Based on the foregoing, authority is hereby requested for the County to execute any necessary Agreements to accomplish the above. Attached for your consideration is a proposed Resolution for which we recommend approval.

RESOLUTION

Upon communication from the Commissioner of Public Works and Transportation, be it hereby

RESOLVED, that the County of Westchester (the “County”) is authorized to enter into Intermunicipal Agreements (“IMAs”) with 42 local municipalities pursuant to a grant Agreement with the State of New York Governor’s Traffic Safety Committee for the implementation of the Selective Traffic Enforcement Program, whereby the County will receive \$170,100 without a County match for the period October 1, 2011 – September 30, 2012 of which \$13,000 is retained by the County for program administration and the remainder of the funds, \$157,100, will be distributed to the municipalities based on the NYS Governor’s Traffic Safety Committee’s formula; and be it further

RESOLVED, that pursuant to Act No. 153-2011, the County of Westchester was authorized to enter into IMAs with 42 municipalities for the term of five (5) years for the period October 1, 2011 – September 30, 2016 for the purposes of conducting traffic safety enforcement campaigns; and be it further

RESOLVED, that the municipalities shall indemnify and hold the County harmless; and provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of the IMA; and be it further

RESOLVED, that the County Executive or his duly appointed designee be, and hereby is, authorized to take such actions and execute such documents as may be necessary and appropriate to effectuate the purposes hereof.

Agreement No. 11-931

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	263	46	645L	9853	T645	\$170,100.00

Budget Funding Year(s): 2011-2012 Start Date: 10/01/11 End Date: 09/30/12
 (must match resolution)

Funding Source: Tax Dollars: _____

Contractor Federal I.D. No./ Social Security No. _____

State Aid: _____

\$170,100 Federal Aid: 100%
 (must match resolution)

Vendor No. _____

Other: _____

Encumbrance No. _____