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**62884**

**TO:** The Honorable Board of Acquisition and Contract

**FROM:** Reginald A. LaFayette & Douglas A. Colety  
Commissioners of the Board of Elections

**DATE:** April 25, 2018

**RE:** Resolution authorizing the County of Westchester (the "County") to agree to hold harmless and indemnify the Edgemont Union Free School District, owner of any and all polling places to be used by the County in connection with the upcoming 2018 Elections.

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The County of Westchester (the "County"), acting by and through its Board of Elections ("Board of Elections"), uses many non-County owned facilities (such as schools, houses of worship and municipal buildings) as polling places in order to conduct Primary, Special and General Elections. The Board of Elections has advised that the Edgemont Union Free School District, the owner of certain polling places ("Edgemont") has requested that the County enter into an agreement which among other things requires the County to indemnify Edgemont, in writing, for any damage and/or injury that may result from the County's usage of their property as polling place in connection with the upcoming 2018 Primary, Special and General Elections.

If authorized by your Honorable Board, the attached resolution would authorize the County to agree as follows:

"To the fullest extent permitted by law, the Tenant shall hereby agree to indemnify and save Edgemont Union Free School District and Board of Education of the Edgemont Union Free School District and their agents, officers, directors and employees harmless from and against and all costs, loss, expenses, liability, damages or claims for damages including cost of defending any action on account of any injury or damage to property, any person or persons, corporation or associations arising or resulting from the work provided for or performed by the County in connection with elections occurring from May 1, 2018 through Dec 31, 2019 or from any act omission or negligence of the County, his subcontractors, agents or employees."

The public purpose, as well as the goal and objective of this resolution, is to allow the Board of Elections to carry out its statutory duties in connection with all upcoming 2018 Primary, Special and General Elections and to ensure that polling places are available to enable all eligible County residents to exercise their right to vote.

As we believe this to be in the best interests of the County, and necessary for the Board of Elections to carry out its statutory duties in connection with the upcoming 2018 Elections, we most respectfully recommend and urge the adoption of the annexed Resolution.

RAL/DAC/di

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/03/2018 - ESTHER UJAJ, SECRETARY

**RESOLUTION**

Upon a communication of the Commissioners of the Board of Elections, be it hereby

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to enter into an agreement with the Edgemont Union Free School District ("Edgemont") which among other things requires the County to indemnify Edgemont as follows:

"To the fullest extent permitted by law, the County shall hereby agree to indemnify and save Edgemont Union Free School District and Board of Education of the Edgemont Union Free School District and their agents, officers, directors and employees harmless from and against and all costs, loss, expenses, liability, damages or claims for damages including cost of defending any action on account of any injury or damage to property, any person or persons, corporation or associations arising or resulting from the work provided for or performed by the County in connection with elections occurring from May 1, 2018 through December 31, 2019 or from any act omission or negligence of the County, his subcontractors, agents or employees."

; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute all appropriate contracts or documents necessary to effectuate the purposes of this resolution in the manner prescribed by law.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars

Budget Funding Year(s) \_\_\_\_\_ Start Date 05/01/2018 End Date 12/31/19  
 (must match resolution)

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

APPROVED BOARD OF RESOLUTIONS COUNTY OF WESTCHESTER LISA MARIJAJ, SECRETARY