

**65636**

October 24, 2018

To: The Honorable Board of Acquisition and Contract

From: Thomas A. Gleason  
Acting Commissioner-Sheriff of Public Safety

RE: Resolution authorizing the County of Westchester to:

- 1) Enter into an agreement with the New York State STOP-DWI Foundation pursuant to which the Foundation will reimburse the County in an amount not-to-exceed \$34,500.00 to run special enforcement details that will conduct high visibility road checks, saturation patrols, and drug recognition expert call outs for a term commencing on October 1, 2018 and continuing through September 30, 2019; and
- 2) Enter into agreements with one or more Westchester County municipal corporations, through their respective police departments, to implement the provisions of the reimbursement agreement by running special enforcement details that will conduct high visibility road checks, saturation patrols, and drug recognition expert call outs, for the period from October 1, 2018 through September 30, 2019 in a total aggregate amount not-to-exceed \$34,500.00

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Authority is hereby requested for the County of Westchester, acting by and through the Department of Public Safety Services (the "Department"), STOP-DWI Office ("STOP DWI Office") to enter into an agreement with the New York State STOP-DWI Foundation, a not-for-profit agency ("the Foundation") pursuant to which the Foundation will reimburse the County in an amount not-to-exceed \$34,500.00 to be used to run special enforcement details that will conduct high visibility road checks, saturation patrols, and drug recognition expert call outs for a term commencing on October 1, 2018 and continuing through September 30, 2019 (the "Reimbursement Agreement").

Authority is also requested to enter into agreements with one or more Westchester County municipal corporations, through their respective police departments, to implement the provisions of the Reimbursement Agreement by running special enforcement details that will conduct high visibility road checks, saturation patrols, and drug recognition expert call outs, for the period from October 1, 2018 through September 30, 2019 in a total aggregate amount not-to-exceed \$34,500.00, payable based upon the number of hours of participation of each municipal police department.

The Westchester County STOP-DWI Office has received funding from the Foundation to run special enforcement details from October 1, 2018 through September 30, 2019 (the "Special Enforcement Program"). Notably, these enforcement details will involve the participation of Drug Recognition Experts

("DREs"), who are police officers specially trained to detect signs of drug-related intoxication. The enforcement details will be offered to any local police department in Westchester County that wishes to participate. The Department will coordinate the enforcement details and contact the individual police departments to set them up. The funding for 2018-2019 is for an amount not-to-exceed \$34,500.00.

It should be noted that the amount payable to each municipality will be determined based upon *actual* participation and there is no set fee per enforcement detail. Each enforcement detail will be reimbursed out of the proceeds authorized under the Reimbursement Agreement based upon the number of hours of service provided. The STOP-DWI Office will provide an estimate to the Foundation of what the Office thinks it will spend in a given year, and the Foundation will sign off on the estimate.

It should be noted that in past years, the STOP DWI Office has coordinated the enforcement details for the Special Enforcement Program, and the Foundation, based upon the County's paperwork, has sent reimbursement checks directly to each of the participating municipalities. However, due to the large number of counties in New York State that have elected to participate in this program, it is no longer feasible for the Foundation to send individual checks to each local police department. Instead, the Foundation, as it has done for the last few years, will send the funds directly to the County, and the County, through the STOP DWI Office, will be responsible for dispersing the monies to the respective municipalities based upon the individual invoices submitted to the Foundation for reimbursement according to number of hours of services provided.

The Reimbursement Agreement with the Foundation does not constitute a procurement and as such is not subject to the requirements of the County Procurement Policy. The contracts with the various municipalities are exempt under Section 3(a) iii of the County Procurement Policy.

It should be noted that since the County is merely acting as a pass-through of Foundation funds and not on a cooperative or joint basis with the police departments, the proposed contracts do not constitute intermunicipal agreements and, as such, do not require approval by the Westchester County Board of Legislators.

The goals and objectives of the Special Enforcement Program are to reduce the number of deaths and injuries in Westchester County caused by intoxicated or drugged drivers. The Special Enforcement Program is in the public's best interest as it will reduce the number of DWI and drugged driving deaths and injuries. The Department will monitor these agreements by reviewing the reports submitted by the municipalities to the STOP-DWI Office to ensure that all procedures are in compliance with the stipulations set forth in the agreement.

I certify that my department, a) has copies of, or access to all applicable laws, rules, regulations, reimbursement applications, and the Reimbursement Agreement (including any master agreement), as well as any guidance or instructions received from the Foundation, b), has reviewed the terms of the Reimbursement Agreement, c) is aware of and understands all of the Special Enforcement Program Terms, and d) can and will comply with all of the Special Enforcement Program terms.

Based upon the foregoing, I most respectfully recommend approval of the attached Resolution.

TAG/PMT/jpg  
Attachment

## RESOLUTION

Upon a communication from Commissioner-Sheriff of Public Safety, be it hereby

**RESOLVED**, that the County of Westchester (the "County"), acting by and through the Department of Public Safety Services (the "Department"), STOP-DWI Office ("STOP DWI Office") is authorized to enter into an agreement with the New York State STOP-DWI Foundation, a not-for-profit agency ("The Foundation") pursuant to which the Foundation will reimburse the County in an amount not-to-exceed \$34,500.00 to be used to run special enforcement details that will conduct high visibility road checks, saturation patrols, and drug recognition expert call outs for a term commencing on October 1, 2018 and continuing through September 30, 2019 (the "Reimbursement Agreement").

**RESOLVED**, that the County, acting by and through the Department, through its STOP-DWI Office, is authorized to enter into agreements (the "Agreements"), with one or more Westchester County municipal corporations through their respective police departments (the "Municipalities"), to implement the provisions of the Reimbursement Agreement by running special enforcement details that will conduct high visibility road checks, saturation patrols, and drug recognition expert call outs, for the period from October 1, 2018 through September 30, 2019 in an aggregate amount not-to-exceed \$34,500.00, payable by the County to the respective municipalities based upon the *actual* number of hours the local police departments participate in the program; and be it further

**RESOLVED**, that the Agreements with the Municipalities are subject to County appropriations; and be it further

**RESOLVED**, that the Agreements with the Municipalities are 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 the Agreements. 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 Adoptions(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 Agreements or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Municipalities, then the Municipalities shall have the right to terminate the Agreements upon reasonable prior written notice; and be it further

**RESOLVED**, that the County Executive or his authorized designee is authorized and empowered to execute and deliver all instruments and take all action necessary and appropriate to effectuate the purposes hereof.

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
711	71	009T/009U	8500	T009	34,500.00*

\* These are **PASS-THROUGH FUNDS**

Budget Funding Year(s) 2018-2019 Start Date: 10/1/2018 End Date: 09/30/2019(must match resolution)

Funding Source	Tax Dollars	_____
	State Aid:	_____
<u>\$34,500.00</u>	Federal Aid	_____
(must match resolution)	Other: \$34,5	_____
00.00		_____

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/21/2018 - LISAMIRIJAJ, SECRETARY