

Department of Social Services

Memorandum

74795

TO: Board of Acquisition and Contract

FROM: Kevin M. McGuire
Commissioner of Social Services

DATE: February 20, 2020

SUBJECT: Resolution authorizing the County of Westchester to enter into a license agreement with KRG White Plains City Center, LLC (“KRG”) to use a specified portion of KRG’s property on February 28, 2020 for a celebration of Black History Month, at no cost to the County.

The County of Westchester (the “County”), acting by and through its Department of Social Services, is requesting authority to enter into a license agreement (the “Agreement”) with KRG White Plains City Center, LLC (“KRG”) pursuant to which KRG will grant to the County, and the County will accept, a license to use a specified portion of KRG’s property during certain designated hours on February 28, 2020 for a celebration of Black History Month event (the “Event”).

Although there will be no cost to the County under the proposed Agreement, KRG requires that the County indemnify, defend and hold harmless Licensor and its respective partners, beneficiaries, trustees, officers, directors, employees and agents from and against any and all liability, claims, damages, costs and expenses, including without limitation, attorneys’ fees, in connection with loss of life, personal injury or damage to property arising or resulting from or in connection with Licensee’s use and occupancy of the Licensed Area. Licensee further waives all claims against Licensor, and its respective partners, beneficiaries, trustees, officers, directors, employees and agents for injury to persons, damage to property or to any other interests sustained by Licensee or any person claiming through Licensee resulting from any occurrence in or upon the Licensed Area or the Center.

The proposed Agreement will serve a public purpose by providing information, to increase staff and public awareness, knowledge, & support of historic preservation & stewardship for the county's cultural historic heritage.

The goals and objectives of the proposed Agreement are in the best interests of the County in that it will assist in the creation, promotion, facilitation and/or improvement of staff & public understanding of natural, cultural historic heritage

The goals and objectives of the proposed Agreement will be tracked and monitored by the staff of the Department of Social Services.

This agreement is exempt from the requirements of the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

It should be noted that part of the Event shall take place at the White Plains Performing Arts Center on which is owned by White Plains Performing Arts Center, Inc. ("WPPAC"). Accordingly, a separate resolution is submitted on even date herewith which, if approved, will authorize a license agreement with WPPAC.

Accordingly, I most respectfully recommend the adoption of the annexed Resolution.

KMM/RWB/jrc
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/27/2020 - LISA M. J. SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Social Services, be it hereby

RESOLVED, that the County of Westchester (“County”), acting by and through its Department of Social Services, is hereby authorized to enter into a license agreement (the “Agreement”) with KRG White Plains City Center, LLC (“KRG”) pursuant to which KRG will grant to the County, and the County will accept, a license to use a specified portion of KRG’s property during certain designated hours on February 28, 2020 for a celebration of Black History Month event (the “Event”) at no cost to the County; and be it further

RESOLVED, that the Agreement shall provide that the County will indemnify, defend and hold harmless Licensor and its respective partners, beneficiaries, trustees, officers, directors, employees and agents from and against any and all liability, claims, damages, costs and expenses, including without limitation, attorneys’ fees, in connection with loss of life, personal injury or damage to property arising or resulting from or in connection with Licensee’s use and occupancy of the Licensed Area. Licensee further waives all claims against Licensor, and its respective partners, beneficiaries, trustees, officers, directors, employees and agents for injury to persons, damage to property or to any other interests sustained by Licensee or any person claiming through Licensee resulting from any occurrence in or upon the Licensed Area or the Center; 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 actions necessary or appropriate to effectuate the purposes hereof.

Account to be Charged/credited

Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
N/A	N/A	N/A	N/A	N/A	N/A	N/A

Budget Funding Year(s): N/A Start Date: 02/28/2020 End Date: 02/28/2020
(must match resolution)

Funding Source

Tax Dollars: N/A

State Aid: N/A

N/A

Federal Aid: N/A

(must match resolution)

Other: N/A