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75295

TO: The Honorable Board of Acquisition and Contract

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

DATE: March 12, 2020

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 Elections for the term March 1, 2020 through June 30, 2021.

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 agree to indemnify them, 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 Primary, Special and General Elections for the term March 1, 2020 through June 30, 2021.

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 March 1, 2020 through June 30, 2021 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 2020 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 Elections, we most respectfully recommend and urge the adoption of the annexed Resolution.

RAL/DAC/di

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/09/2020 - EST. MBUJAJ, 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 for the term March 1, 2020 through June 30, 2021 which provides 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 March 1, 2020 through June 30, 2021 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 03/01/2020 End Date 6/30/21
 (must match resolution)

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