



Benjamin Boykin II  
Chairman

**ID #79798**

**TO:** Honorable Members of the Board of Acquisition and Contract

**FROM:** Hon. Benjamin Boykin II, Chairman  
Westchester County Board of Legislators

**DATE:** September 30, 2020

**SUBJECT:** Authority to enter into an agreement (the “Agreement”) with the Westchester Arts Council, Inc. d/b/a ArtsWestchester (“ArtsWestchester”) pursuant to which ArtsWestchester will expand the cultural services to County residents it currently provides under the “Maintain Cultural Services (Challenge Match)” program (pursuant to a separate agreement with the County), which will enable numerous additional cultural organizations representing a variety of disciplines to leverage County funding as a match to increased private donations. This will in turn provide Westchester residents with additional affordable cultural programs, events and activities. The Agreement will be for a term commencing January 1, 2020 and terminating December 31, 2020, in an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00).

---

The attached Resolution, if approved by your Honorable Board, would authorize the County of Westchester (the “County”) to enter into an agreement (the “Agreement”) with the Westchester Arts Council, Inc. d/b/a ArtsWestchester (“ArtsWestchester”), pursuant to which ArtsWestchester will expand the cultural services to County residents it currently provides under the “Maintain Cultural Services (Challenge Match)” program (pursuant to a separate agreement with the County), which will enable numerous additional cultural organizations representing a variety of disciplines to leverage County funding as a match to increased private donations. This will in turn provide Westchester residents with additional affordable cultural programs, events and activities. The Agreement will be for a term commencing January 1, 2020 and terminating December 31, 2020, in an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00), payable pursuant to an approved budget. ArtsWestchester will be paid in two installments. The first payment of One Hundred Twenty-Five Thousand Dollars (\$125,000.00) shall be paid upon execution of the Agreement, and the second payment of up to One Hundred Twenty-Five Thousand Dollars (\$125,000.00) shall be paid upon submission of a final report outlining which organizations will receive the funding and the additional new grant funds they

raised. No more than 15% of the funds provided shall be used by ArtsWestchester for grant administration and/or technical assistance to the cultural organizations.

Working in partnership with not-for-profit cultural organizations throughout the County, ArtsWestchester ensures that County residents have access to a robust and diverse array of cultural services, ranging from concerts, exhibitions and performances to family workshops and arts education programs. These cultural amenities enhance the quality of life of County residents, bolster the County as a desirable place to live and work, and support the County's efforts to attract and retain corporations. ArtsWestchester's comprehensive marketing program will provide thousands of County residents and visitors with information about local cultural resources available to them and their families.

Pursuant to the Agreement, ArtsWestchester shall:

- 1) **Develop eligibility guidelines** in the fall of 2020 in consultation with Westchester County Board of Legislators, not-for-profit cultural organizations and the ArtsWestchester Board of Trustees Grants Committee.
- 2) **Distribute the eligibility guidelines** to a targeted list of not-for-profit cultural organizations and encourage participation via email and the ArtsWestchester website.
- 3) **Provide technical assistance** as needed on effective, eligible fundraising efforts. ArtsWestchester staff will provide examples of effective campaigns, and consult individually with organizations to assist them in developing successful fundraising efforts that take advantage of their strengths.
- 4) **Create a robust marketing campaign** to encourage donations via participating organizations' websites. ArtsWestchester's communications department will utilize the website, ArtsNews, and email campaigns to encourage donations to participating organizations. ArtsWestchester will also provide sample copy, logos and other materials to participating organizations, and ensure that Westchester County is properly credited.
- 5) **Conduct due diligence** on requests for matching funds and fulfill them on a first come, first served basis. Staff will review all requests and ensure that applicants are eligible as per the guidelines, following up to obtain any additional information necessary.

The goals and objectives of the Agreement will support the public welfare of the County by enabling ArtsWestchester to fulfill its role in supporting the delivery of arts and cultural services to County residents.

The goals and objective of the Agreement will be tracked by direct reporting of the results to the County by ArtsWestchester.

The Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(a)xiii thereof.

Accordingly, I recommend and urge your Honorable Board's approval of the annexed Resolution.

BB/AE/jrc

**RESOLUTION**

Upon a communication from the Chairman of the Westchester County Board of Legislators, it is hereby:

**RESOLVED**, that the County of Westchester (the “County”) is authorized to enter into an agreement with the Westchester Arts Council, Inc. d/b/a ArtsWestchester (“ArtsWestchester”) for a term commencing January 1, 2020 and terminating December 31, 2020, in an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00), pursuant to which ArtsWestchester will expand the cultural services to County residents it currently provides under the “Maintain Cultural Services (Challenge Match)” program (pursuant to a separate agreement with the County), which will enable numerous additional cultural organizations representing a variety of disciplines to leverage County funding as a match to increased private donations and in turn provide Westchester residents with additional affordable cultural programs, events and activities: and be it further

**RESOLVED**, that no more than 15% of the funds provided shall be used by ArtsWestchester for grant administration and/or technical assistance to the cultural organizations; and be it further

**RESOLVED**, that the Agreement is subject to County appropriations; and be it further

**RESOLVED**, that the Agreement is 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 this Agreement. 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 adoption(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 Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Service Provider, then the Service Provider shall have the right to terminate the Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the Chairman of the Westchester County Board of Legislators or his authorized designee, is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be Charged/Credited:

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Sub-Unit	Amount
101	52	2010	5100		\$250,000.00

Budget Funding Year(s): 2020      Start Date: 01 /01 /2020 End Date: 12 /31 /2020

**\$250,000.00**  
(must match resolution)

Funding Source: Tax Dollars **\$250,000.00**  
State Aid \_\_\_\_\_  
Federal Aid \_\_\_\_\_  
Other \_\_\_\_\_