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80367

TO: The Honorable Board of Acquisition and Contract

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

DATE: October 21, 2020

RE: Resolution authorizing the County of Westchester (the “County”) to agree to hold harmless and indemnify the Harrison Central School District, owner of a polling place to be used by the County in connection with the upcoming Election on November 3, 2020.

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 Harrison Central School District (“Harrison SD”), the owner of a polling place 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 General Election on November 3, 2020.

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

“The County does covenant and agree to defend, indemnify and hold harmless the Harrison Central School District from and against any and all liability, loss, damages, claims, or actions (including costs and attorney’s fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in any way connected with the actual or proposed use of Harrison Central School District property, facilities and/or services, including but not limited to bodily injury to any employee, invitee, guest, contractor or subcontractor of the County.”

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 General Election 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.

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RESOLUTION

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

RESOLVED, that the County of Westchester is hereby authorized to enter into an agreement with the Harrison Central School District to utilize school(s) as polling sites on November 3, 2020 which provides as follows:

“The County does covenant and agree to defend, indemnify and hold harmless the Harrison Central School District from and against any and all liability, loss, damages, claims, or actions (including costs and attorney’s fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in any way connected with the actual or proposed use of Harrison Central School District property, facilities and/or services, including but not limited to bodily injury to any employee, invitee, guest, contractor or subcontractor of the County.”

; 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
		14				

Budget Funding Year(s) _____ Start Date 11/03/2020 End Date 11/03/20
 (must match resolution)

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