



11213  
Department of Emergency Services

**Memorandum**

DATE: May 5, 2010

TO: The Honorable Board of Acquisition and Contract

FROM: Anthony W. Sutton  
Commissioner of Emergency Services

RE: **Authority to enter into Intermunicipal Agreements with one or more municipal corporations through which the County will distribute to the municipalities specialized equipment to enable the municipalities to better respond to acts of terrorism involving chemical and biological agents, as well as radiological, nuclear and explosive devices for a five year term commencing upon execution.**

As you may recall in 2002, the County of Westchester ("County") entered into a five year agreement with the State of New York ("State") pursuant to which the State agreed to issue specialized equipment, including but not limited to personal protective, detection, decontamination, communications hardware and supplies ("Equipment") to the County and the County agreed to use and distribute the Equipment to the municipalities. On September 10, 2007, the County renewed this agreement with the State for a term commencing May 30, 2007 and continuing indefinitely. In furtherance of the County's agreement with the State, authorization is requested for the County, acting by and through its Department of Emergency Services (the "Department"), to enter into Intermunicipal Agreements ("IMAs") with one or more Westchester County municipal corporations as defined in Article 5-G of the New York State General Municipal Law ("Municipality") through which the County will distribute the Equipment to the Municipalities to enable the Municipalities to better respond to acts of terrorism involving chemical and biological agents, as well as radiological, nuclear and explosive devices.

The Westchester County Board of Legislators authorized these IMAs at a meeting duly held on April 26, 2010, by Act No. 32-2010. This authorization is effective January 1, 2010. It should be noted that Act No. 32-2010 contains a sunset provision and as such the authority to enter into these IMAs is effective until 11:59 p.m. December 31, 2011. The term of each IMA will not exceed five (5) years. In the event the County's agreement with the State is terminated prior to the expiration of the IMAs proposed herein, the IMAs will terminate at such time. The County Board also authorized the County to amend the IMAs to reflect any changes that the State might require in its agreement with the County. In order to ensure that there are no periods of time when the IMAs are not in effect due to non-compliance with State requirements, the County Board pre-approved such amendments to the IMA's to keep in compliance with any modified State agreement. Any change

to the State agreement will need to be approved by this Board. Municipalities will have a choice whether to sign any such revised IMA. If a municipality does not agree to the amendment, the IMA will terminate. In addition, either party will have the ability to terminate the IMA on ninety (90) days notice.

The goals and objectives of this program are to ensure that Municipalities will be able to use the Equipment to enable the Municipalities to better respond to acts of terrorism involving chemical and biological agents, as well as radiological, nuclear and explosive devices. The proposed IMAs are in the public's best interest and will promote the safety and general welfare of the public by increasing the County's ability to respond to emergencies and disaster situations throughout the County. The Department will monitor this program through routine inspections and inventory verification as well as through an ongoing exercise and drill program.

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

AWS/TSA/ta  
Att.

APPROVED BOARD OF ACQUISITION & CONTRACT - 5-20-2010 - JOMARY VIEIRA SECRETARY

## RESOLUTION

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

**RESOLVED**, that effective January 1, 2010, the County of Westchester ("County") is authorized to enter into Intermunicipal Agreements ("IMAs") with one or more Westchester County municipal corporations as defined in Article 5-G of the New York State General Municipal Law wherein the County will distribute to such municipal corporations specialized equipment, including but not limited to personal protective, detection, decontamination, communications hardware and supplies, to enable the municipal corporations to better respond to acts of terrorism involving chemical and biological agents, as well as radiological, nuclear and explosive devices; and be it further

**RESOLVED**, that the term of each IMA shall commence upon execution of the IMA and continue in full force and effect for five (5) years. Both parties shall have the right to terminate the IMA on ninety (90) days notice to the other; and be it further

**RESOLVED**, that in the event the County's agreement with the State of New York is terminated prior to the expiration of the IMAs, the IMAs shall terminate at such time. If the State of New York requires the County to amend its agreement with the State, an amendment to the IMAs is hereby approved to ensure compliance with any modified State agreement; and be it further

**RESOLVED**, that the County Executive 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. In accordance with Act No. 32-2010, such authority to enter into these IMAs is effective until 11:59 p.m. December 31, 2011.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
					N/A

Budget Funding Year(s) \_\_\_\_\_ Start Date upon execution End Date: 5 years  
(must match resolution)

Funding Source Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

\$ N/A Federal Aid \_\_\_\_\_  
(must match resolution)

Other \_\_\_\_\_