



Department of Emergency Services

Memorandum

11217

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 Westchester County municipal corporations pursuant to which the County will provide municipalities with emergency shelter supplies and equipment in a container or trailer which the municipality will store and, if necessary, use during a disaster or emergency requiring people to leave their homes to seek temporary shelter for a five year term commencing upon execution.

Authorization is requested for the County of Westchester ("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") in order to pre-position shelter supplies and equipment throughout Westchester County to prepare for the potential need to shelter residents during a disaster or emergency requiring people to leave their homes to seek temporary shelter (hereinafter an "Incident"). The County shall provide the Municipality with the emergency shelter supplies and equipment ("Shelter Supplies") in a container or trailer which the Municipality will store and, if necessary, use during an Incident.

The Westchester County Board of Legislators authorized these IMAs at a meeting duly held on April 26, 2010, by Act No. 29-2010. This authorization is effective January 1, 2010. The term of each IMA will not exceed five (5) years and either party may terminate the agreement on thirty (30) days written notice. It should be noted that Act No. 29-2010 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 County will restock the Shelter Supplies that have been expended or consumed, but only to the levels identified at the commencement of the IMA. Such restocking shall further be subject to availability of State and Federal grant revenues to fund the restocking. In the event the County, for any reason, is unable to restock the Shelter Supplies, the County will have the right

to terminate the IMA on seven (7) days notice to the Municipality. The Municipality will be authorized to use the Shelter Supplies at a Shelter operated by the Municipality on an as-needed basis during an Incident and will be required to notify the County's Commissioner of Emergency Services within twenty four (24) hours of such use via radio or telephone. The County will have the right to routinely inspect the Shelter Supplies, including any container or trailer that the Shelter Supplies are stored in. The Shelter Supplies, including the container/trailer, will at all times, be stored in Westchester County. In the event that the County establishes a Shelter at a location outside of the Municipality, the County reserves the right, in its sole discretion, to redeploy the Shelter Supplies including the container/trailer, provided, however, that the Municipality is not using the Shelter Supplies in a Shelter for local residents during an Incident at that time. In such event, the County will not redeploy the Shelter Supplies.

In addition, the County may request that the Municipality establish a Shelter at a location within the Municipality during an Incident. The Municipality will be under no obligation to establish a Shelter, but in the spirit of the agreement, the Municipality is expected to give serious consideration to the County's request.

The goals and objectives of this arrangement are to work in a collaborative manner with local governments to increase their ability to protect residents who are forced from their homes during an Incident. The proposed IMAs will assist with the implementation of the Westchester County Comprehensive Emergency Management Plan – Shelter and Mass Care Annex. The proposed IMAs promote the safety and general welfare of the public by increasing the County's level of preparedness and ability to respond to emergencies and disaster situations.

The Department will monitor these agreements through routine site visits to conduct inspections and confirm inventory levels. Program monitoring will also be accomplished through the continuous planning efforts by County officials to increase the County's preparedness by partnering with local communities on a daily basis concerning sheltering, communication and response.

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

AWS/TSA/ta
Att.

RESOLUTION

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

RESOLVED, that effective January 1, 2010, the County of Westchester ("County"), acting by and through its Department of Emergency Services (the "Department"), is authorized to enter into inter-municipal 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") in order to pre-position shelter supplies and equipment throughout Westchester County to prepare for the potential need to shelter residents during a disaster or emergency requiring people to leave their homes to seek temporary shelter (hereinafter an "Incident"). The County shall provide the Municipality with the emergency shelter supplies and equipment ("Shelter Supplies") in a container or trailer which the Municipality will store and, if necessary, use during an Incident; and be it further

RESOLVED, that the County shall restock the Shelter Supplies that have been expended or consumed but only to the levels identified at the commencement of the IMA. Such restocking shall further be subject to availability of State and Federal grant revenues to fund the restocking. In the event the County, for any reason, is unable to restock the Shelter Supplies, the County shall have the right to terminate the IMA on seven (7) days notice to the Municipality. The Municipality shall be authorized to use the Shelter Supplies at a Shelter operated by the Municipality on an as-needed basis during an Incident and shall be required to notify the County's Commissioner of Emergency Services within twenty four (24) hours of such use via radio or telephone. The County shall have the right to routinely inspect the Shelter Supplies, including any container or trailer in which the Shelter Supplies are stored. The Shelter Supplies, including the container/trailer, shall at all times be stored in Westchester County. In the event that the County establishes a Shelter at a location outside of the Municipality, the County reserves the right, in its sole discretion, to redeploy the Shelter Supplies including the container/trailer, provided, however, that the Municipality is not using the Shelter Supplies in a Shelter for local residents during an Incident at that time. In such event, the County will not redeploy the Shelter Supplies; and be it further

RESOLVED, that the Agreement shall commence upon execution and continue for a five (5) year term thereafter. Both parties shall have the right to terminate the Agreement on thirty (30) days notice to the other; and be it further

RESOLVED that this Agreement is subject to County appropriations; and be it further

RESOLVED that this 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 this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice; 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. 29-2010, 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
					-0.*

Budget Funding Year(s) 2010-2015 Start Date upon execution End Date: 5 years
 (must match resolution)

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

*Note

- Equipment purchased with funds from 263-20-838G-8000 (FY06UASI)
- Restock (if necessary) will be purchased utilizing 263-20-875H-8000 (FY08UASI)

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