

13330

August 10, 2010

TO: The Honorable Board of Acquisition & Contract

FROM: Kathleen O'Connor, Acting Commissioner  
Department of Parks, Recreation and Conservation

RE: **Authority to Enter into an Agreement with the Westchester Ballet Company, P.O. Box 694, 95 Croton Avenue, Ossining, NY 10562 to provide four (4) performances of "The Nutcracker" Holiday Show at the Westchester County Center in December 2010, for a term commencing September 1, 2010 and terminating December 31, 2010 at a total cost not to exceed Sixty Thousand (\$60,000) Dollars**

Authority is hereby requested of this Honorable Board for the County of Westchester to enter into a contract with the Westchester Ballet Company, P.O. Box 694, 95 Croton Avenue, Ossining, NY 10562 (hereinafter "WBC"), to present four (4) performances of "The Nutcracker" Holiday Show at the Westchester County Center in December of 2010, at a total cost not to exceed Sixty Thousand (\$60,000) Dollars, as follows:

**Dates & Times**

|                      |          |                          |
|----------------------|----------|--------------------------|
| Friday – One Show    | 12/17/10 | 10:00 a.m.               |
| Saturday – Two Shows | 12/18/10 | 12:30 p.m. and 4:30 p.m. |
| Sunday – One Show    | 12/19/10 | 2:00 p.m.                |

The Friday morning performance will be a special school performance.

The County will collect and keep all ticket sale revenues generated by the production up to the point where all its direct expenses are offset. The County expenses include the cost of the contract with the WBC, promotional expenses, stagehands, staff and the cost to operate the program at the County Center. The remaining ticket sale revenue will then be applied toward WBC's approved expenses. Any ticket sale revenue in excess of the County's and the WBC's expenses will be shared equally.

Tickets will be available for sale at the Westchester County Center box office and all Ticketmaster locations and will be priced as follows:

|                                                          |                                                                                                                                      |
|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Friday-School Performance Price:                         | \$7.00 per student ticket, groups of ten (10) or more<br>\$18.00 per adult ticket (One (1) free adult ticket per 15 student tickets) |
| Advance Ticket Prices for Friday, Saturday, Sunday Shows | \$12.00 for seniors (60+) and children (2 – 10 yrs.)<br>\$18.00 for adults                                                           |
| Group Ticket Prices (10 or more)                         | \$10.00 for seniors (60+) and children (2 – 10 yrs.)<br>\$16.00 for adults                                                           |
| Group of 100 or more people                              | \$10.00 per person                                                                                                                   |

All tickets purchased on the day of the performance - \$22.00 per ticket.

**Westchester County Center has a no refund policy on all ticket sales.**

The objective of bringing “The Nutcracker” to the Westchester County Center is to attract residents, school groups and visitors from the tri-state area and provide them with an opportunity to enjoy a professional production by the Westchester Ballet Company. The public interest will be served by this agreement as it offers an artistic and cultural experience locally at a reasonable price. If this resolution is not approved we would lose a long standing relationship with the Westchester Ballet Company as well as an opportunity to promote the County Center to a variety of people.

Department of Parks, Recreation and Conservation personnel will track and monitor the terms of the agreement through interaction with Westchester Ballet Company staff and with frequent site visits.

This contract is exempt from the County's Procurement Policy since this is a contract with a not for profit organization for the support, enhancement, or preservation of cultural resources and the arts, pursuant to Section 3(a) xiii thereof.

A resolution is attached for your favorable consideration.

## RESOLUTION

Upon a communication from the Commissioner of Parks, Recreation and Conservation, be it hereby

**RESOLVED**, that the County of Westchester is hereby authorized to enter into an agreement with the Westchester Ballet Company, P.O. Box 694, 95 Croton Avenue, Ossining, NY 10562 (hereinafter "WBC"), to present four (4) performances of "The Nutcracker" Holiday Show at the Westchester County Center in December of 2010, at a total cost not to exceed Sixty Thousand (\$60,000) Dollars (the "Agreement") payable as follows:

the total ticket sale revenue collected by the County will first go toward payment of the County's expenses incurred in the production of the show, to include the cost of the contract with the WBC, promotional expenses, stagehands, staff and the cost to operate the program at the County Center;

the remaining ticket sale revenue will then be applied toward WBC's approved expenses;

any ticket sale revenue in excess of the County's and WBC's expenses will be shared equally between the County and WBC; 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 Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to execute the above contract on behalf of the County of Westchester.

Agreement #

Account to be  
Charged/Credited

| Fund | Dept | Major Program,<br>Program & Phase<br>Or Unit | Object/ Sub-<br>Object | Trust<br>Account | Dollars  |
|------|------|----------------------------------------------|------------------------|------------------|----------|
| 165  | 42   | 7700                                         | 4380                   |                  | \$60,000 |
|      |      |                                              |                        |                  |          |
|      |      |                                              |                        |                  |          |
|      |      |                                              |                        |                  |          |
|      |      |                                              |                        |                  |          |
|      |      |                                              |                        |                  |          |

Budget Funding Year(s) 2010 Start Date 9/1/10 End Date 12/31/10  
(must match resolution)

Funding Source Tax Dollars x  
State Aid \_\_\_\_\_  
\$ 60,000 Federal Aid \_\_\_\_\_  
(must match resolution) Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 8-26-2010 - JOMARY VIEIRA, SECRETARY