

**30374**

**TO:** The Honorable Board of Acquisition and Contract

**FROM:** Jay T. Pisco, P.E.  
Commissioner of Public Works and Transportation

**DATE:** November 13, 2012

**SUBJECT:** **Authority to enter into a Grant Agreement with the State of New York Governor's Traffic Safety Committee for the Purpose of Administering the Selective Traffic Safety Enforcement Program for 42 Police Departments (Agreement No. 12-928)**

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Authority is hereby requested for the County of Westchester (the "County") to enter into a Grant Agreement with the State of New York Governor's Traffic Safety Committee for the purpose of administering the Selective Traffic Safety Enforcement Program for 42 police departments. This Agreement will begin the eleventh phase of funding in the amount of \$135,340 without a County match. The period covered by this Agreement is October 1, 2012 to September 30, 2013. Pursuant to Act No. 153-2011 dated September 26, 2011, the Westchester County Board of Legislators authorized the County to enter into IMAs with the local municipalities for the purpose of implementing this program.

This grant provides funds in the amount of \$135,340 without a County match. The County receives part of this allocation, \$10,340 for program administration and public information materials. The police departments share the personal service allocation of \$125,000 based on a distribution formula developed by the NYS Governor's Traffic Safety Committee, which divides the funding into four tiers. The County will reimburse the municipalities based on this formula.

I certify that my department, a) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant Agreements (including any master grant Agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms"), b) has reviewed the Grant Terms, c) is aware of and understands all of the Grant Terms, and d) can and will comply with all of the Grant Terms.

In addition, pursuant to the IMAs, the municipalities would indemnify and hold harmless the County, its elected officials, officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly from the implementation of this grant program and of the acts or omissions by the municipalities or third parties under the direction or control of the municipalities.

The goal of this Agreement is to provide expanded high visibility police presence to increase community awareness in the areas of speeding, aggressive driving and seat belt use. This Agreement will promote the public health, safety and general welfare of the residents of Westchester County by aiding in the reduction of motor vehicle crashes, injuries and fatalities. Moreover, the program is fiscally responsible as it is grant funded and reduces the burden on the local tax base. There are no energy or environmental components associated with this Agreement.

This Department will utilize the National Highway Traffic Safety Administration and the NYS Governor's Traffic Safety Committee's procedures, set of data collection forms and tools to track the program's success in accomplishing goals and objectives. This department will submit expense records/vouchers for reimbursement through the County's Advantage Financial System to track the grant monies for this Agreement and will use other internal methods working with the Department's Financial Control section to track expenses and prepare vouchers for reimbursement.

Based on the foregoing, authority is hereby requested for the County to execute any necessary Agreement to accomplish the above. Attached for your consideration is a proposed Resolution for which we recommend approval.

# RESOLUTION

Upon communication from the Commissioner of Public Works and Transportation, be it hereby

**RESOLVED**, that the County of Westchester (the "County") is authorized to enter into a grant Agreement with the State of New York Governor's Traffic Safety Committee for implementation of the eleventh phase of the Selective Traffic Enforcement Program, whereby the County will receive \$135,340 for the period October 1, 2012 – September 30, 2013 of which \$10,340 will be retained by the County for program administration and the remainder of the funds, \$125,000 will be distributed to the municipalities based on the NYS Governor's Traffic Safety Committee's formula; and be it further

**RESOLVED**, that the County of Westchester is, in accordance with Act No. 153-2011, authorized to enter into IMAs with 42 municipalities for the term of five (5) years for the period October 1, 2011 – September 30, 2016 for the purposes of conducting traffic safety enforcement campaigns; and be it further

**RESOLVED**, that the municipalities shall indemnify and hold the County harmless; and provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of the IMA; and be it further

**RESOLVED**, that the County Executive or his duly appointed designee be, and hereby is, authorized to take such actions and execute such documents as may be necessary and appropriate to effectuate the purposes hereof.

Agreement No. 12-928

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	263	46	645M	9853	T645	\$135,340

Budget Funding Year(s): 2012-2013 Start Date: 10/01/12 End Date: 09/30/13  
 (must match resolution)

Funding Source: Tax Dollars: \_\_\_\_\_ Contractor Federal I.D. No./ Social Security No. \_\_\_\_\_  
 State Aid: \_\_\_\_\_  
\$135,340 Federal Aid: 100% Vendor No. \_\_\_\_\_  
 (must match resolution) Other: \_\_\_\_\_ Encumbrance No. \_\_\_\_\_