

**32655**

Date: March 4, 2013

To: The Honorable Board of Acquisition and Contract

From: Hon. Kenneth W. Jenkins, Chairman  
Westchester County Board of Legislators

Re: Authority to enter into an agreement with the Research Foundation of the State University of New York (the "Research Foundation") pursuant to which the Research Foundation will provide research support to the Westchester County Charter Revision Commission that will inform Commission deliberations and decision making regarding possible proposed changes in the Westchester County Charter, for a term commencing March 1, 2013 and continuing through December 31, 2013 for an amount not-to-exceed \$30,000

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Authority is requested for the County of Westchester, acting by and through its Board of Legislators, on behalf of the Westchester County Charter Revision Commission (the "Commission"), to enter into an agreement with the Research Foundation, pursuant to which the Research Foundation will provide research support to the Commission for a term commencing March 1, 2013 and continuing through December 31, 2013 for an amount not-to-exceed \$30,000, payable in accordance with an approved payment schedule (the "Agreement").

The Research Foundation, through its Center for Research Regional Education and Outreach ("CRREO"), will provide research support that will inform Commission deliberations and decision making regarding possible proposed changes in the Westchester County Charter. Topics for research will be specified by the Commission chair, in consultation with its counsel. Gerald Benjamin, Director of CRREO, will act as lead researcher. For each topic identified, CRREO will compare current charter provisions or charter-based practices in Westchester with those of other New York Charter counties, and with common or best practice in counties outside the state. In addition to primary materials – including charter documents, available interpretations, and germane court decisions – CRREO will research published secondary materials on county charter provisions and their effect. Based upon its research, CRREO will prepare and make presentations on agreed-upon topics for each of ten (10) commission meetings in White Plains, New York and will be present for the duration of these meetings to offer additional information, advice and/or guidance as needed.

In consideration for services rendered, the County will pay the Research Foundation an amount not-to-exceed Thirty Thousand (\$30,000) dollars, consisting of an amount not-to-exceed Twenty Thousand (\$20,000) dollars based on the Research Foundation's participation in ten (10) Commission meetings, plus an additional amount not-to-exceed Ten Thousand (\$10,000) should the Commission wish the Research Foundation's Project Manager to attend additional meetings. In such event, the Research Foundation will invoice and the Board of Legislators will pay an additional \$650 per meeting which includes all related travel costs.

The Agreement is exempt from the County Procurement Policy pursuant to section 3(a)iii.

The Agreement will serve a public purpose by enabling the Commission to propose meaningful revisions to the County Charter, thereby improving governmental operations.

The goals and objectives of this Agreement are to retain the services of a consultant with expertise in municipal charter research to assist the Commission with its work.

The goals and objectives are in the best interests of the County in terms of fiscal responsibility because revising the County Charter will enable County government to function more efficiently, thereby saving taxpayer dollars.

The Agreement will be tracked and monitored by the Commission.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

KWJ/SS/jpg

Att.

## RESOLUTION

Upon a communication from the Hon. Kenneth W. Jenkins, Chairman of the Westchester County Board of Legislators, be it hereby

**RESOLVED**, that the County of Westchester (the "County"), acting by and through its Board of Legislators, on behalf of the Westchester County Charter Revision Commission (the "Commission"), is hereby authorized to enter into an agreement with the Research Foundation of the State University of New York (the "Research Foundation"), pursuant to which the Research Foundation will provide research support to the Commission that will inform Commission deliberations and decision making regarding possible proposed changes in the Westchester County Charter, for a term commencing March 1, 2013 and continuing through December 31, 2013; and be it further

**RESOLVED**, that in consideration for services rendered, the County shall pay the Research Foundation an amount not-to-exceed Thirty Thousand (\$30,000) dollars, consisting of an amount not-to-exceed Twenty Thousand (\$20,000) dollars based on the Research Foundation's participation in ten (10) Commission meetings, plus an additional amount not-to-exceed Ten Thousand (\$10,000) should the Commission wish the Research Foundation's Project Manager to attend additional meetings. In such event, the Research Foundation will invoice and the Board of Legislators will pay an additional \$650 per meeting which includes all related travel costs; and be it further

**RESOLVED**, that the Agreement is subject to County appropriations; and be it further

**RESOLVED**, that the 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 the Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Research Foundation, then the Research Foundation shall have the right to terminate the Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the Chairman of the Westchester County Board of Legislators, 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.

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object Sub- Object	Trust Account	Dollars
101	10		4380		\$30,000.

Budget Funding Year(s) 2013\_\_ Start Date 3/1/2013 End Date 12/31/2013  
(must match resolution)

Funding Source

Tax Dollars \$30,000. \_\_\_\_\_

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

**\$ 30,000.00**

Federal Aid \_\_\_\_\_

(must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION - JOMARY VIEIRA, SECRETARY