

48655

September 24, 2015

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

**FROM:** Hon. Robert Astorino  
County Executive

Hon. Michael B. Kaplowitz, Chairman  
Westchester County Board of Legislators

**RE:** **Authority to enter into an agreement with the Westchester Arts Council, Inc. d/b/a ArtsWestchester (“ArtsWestchester”) pursuant to which ArtsWestchester will 1) market and promote the 2015 ARTSee program, a county-wide cultural festival designed to promote Westchester County as a cultural destination; and 2) subcontract with The Friends of Mozartina Music Arts Conservatory, Inc. to provide free and discounted rehearsal and performance space at the Tarrytown Music Hall to its current Residency Company partners, in a total amount not to exceed \$25,000.00, commencing retroactive to January 1, 2015 and terminating December 31, 2015.**

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The attached Resolution, if approved by your Honorable Board, would authorize the County of Westchester (the “County”) to enter into an agreement (the “Agreement”) with the Westchester Arts Council, Inc. d/b/a ArtsWestchester (“ArtsWestchester”), pursuant to which ArtsWestchester will 1) market and promote the 2015 ARTSee program, a county-wide cultural festival designed to promote Westchester County as a cultural destination; and 2) subcontract with The Friends of Mozartina Music Arts Conservatory, Inc. (the “Conservatory”) to provide free and discounted rehearsal and performance space at the Tarrytown Music Hall to its current Residency Company partners. In consideration for services rendered, the County shall pay ArtsWestchester a total amount not to exceed Twenty-Five Thousand (\$25,000.00) Dollars, comprised of \$10,000.00 for the marketing and promotion of the ARTSee program and \$15,000.00 for the subcontract with the Conservatory, payable in one lump sum upon execution of the Agreement by both parties and approval of same by the Office of the Westchester County Attorney, for a term commencing retroactive to January 1, 2015 and continuing through December 31, 2015.

The goals and objects of the Agreement will support the public welfare of the County by enabling ArtsWestchester to fulfill its role as the County’s designated agency for delivering arts and cultural services to county residents. Working in partnership with not-for-profit cultural

organizations throughout the County, ArtsWestchester ensures that County residents have access to a robust and diverse array of cultural services, ranging from concerts, exhibitions and performances to family workshops and arts education programs. These cultural amenities enhance the quality of life of County residents, bolsters the County as a desirable place to live and work, and supports the County's efforts to attract and retain corporations.

The goals and objective of the Agreement will be tracked by direct reporting of the results to the County by the Arts Council, through the submission of a narrative report covering the period from January 1, 2015 through December 31, 2015, due on or before January 15, 2016. However, it should be noted that ArtsWestchester's subcontracts with cultural organizations run from July 1 through June 30<sup>th</sup> of the subsequent year, and as a result, ArtsWestchester will provide final figures on participation on or before September 30, 2016.

It should be noted that earlier this year, your Honorable Board approved a separate contract with ArtsWestchester to administer and deliver the County of Westchester's cultural services to County residents, including the "Maintain Cultural Services" (Challenge) program, for the period from January 1, 2015 through December 31, 2015 in an amount not-to-exceed \$1,526,995.00.

The Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(a)xiii thereof.

Accordingly, I recommend and urge your Honorable Board's approval of the annexed Resolution.

KJP/MK/jpg

## RESOLUTION

Upon a communication from the County Executive and the Chair of the County Board of Legislators, it is hereby:

**RESOLVED**, that the County of Westchester (the "County") is authorized to enter into an agreement with the Westchester Arts Council, Inc. d/b/a ArtsWestchester ("ArtsWestchester") pursuant to which ArtsWestchester will 1) market and promote the 2015 ARTSee program, a county-wide cultural festival designed to promote Westchester County as a cultural destination; and 2) subcontract with The Friends of Mozartina Music Arts Conservatory, Inc. (the "Conservatory") to provide free and discounted rehearsal and performance space at the Tarrytown Music Hall to its current Residency Company partners, in an amount not to exceed Twenty-Five Thousand (\$25,000.00) Dollars, comprised of \$10,000.00 for the marketing and promotion of the ARTSee program and \$15,000.00 for the subcontract with the Conservatory, payable in one lump sum upon execution of the Agreement by both parties and approval of same by the Office of the Westchester County Attorney, for a term commencing retroactive to January 1, 2015 and terminating December 31, 2015, 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 Service Provider, then the Service Provider shall have the right to terminate the 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.

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Sub Unit	Object Sub-Object	Trust Account	Dollars
101	11	2508	0010	5100		\$12,500
101	11	2508	0011	5100		\$12,500

Budget Funding Year(s) 2015 Start Date 1/1/15 End Date 12/31/15  
(must match resolution)

Funding Source

Tax Dollars \$25,000

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

**\$ 25,000**

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

(must match resolution)

Other \_\_\_\_\_