



Date: July 6, 2016

To: The Honorable Board of Acquisition and Contract

From: Hon. Michael Kaplowitz, Chairman
Westchester County Board of Legislators

Re: Resolution authorizing the County of Westchester to execute a hold harmless agreement with the Byram Hills School District in connection with a permit to hold a public hearing on the County budget at the H.C. Crittenden school on November 30, 2016.

The County of Westchester, acting by and through its Board of Legislators (the “Board”), seeks to enter into a permit agreement with the Byram Hills School District (the “School District”) for the purpose of holding a public hearing on the County budget at the H.C. Crittenden school on November 30, 2016. Before the School District will grant the permit to the County, it requires that the County execute a hold harmless agreement (the “Agreement”).

Pursuant to the terms of the Agreement, the County will agree to “defend, indemnify and hold harmless the School District from and against any and all liability, loss, damages, claims or actions (including costs and attorney’s fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in connection with the actual or proposed use of School District property, facilities and/or School District services by the County and/or the activities, functions, events, affairs or proceedings of the County.”

The Agreement will serve a public purpose by enabling the Board of Legislators to hold a public hearing on the County budget.

This agreement is exempt from the requirements of the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

Accordingly, I most respectfully recommend the adoption of the annexed Resolution.

MK/JPG/nm

RESOLUTION

Upon a communication from the Hon. Michael Kaplowitz, 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, is hereby authorized to execute a hold harmless agreement with the Byram Hills School District in connection with a permit to hold a public hearing on the County budget at the H.C. Crittenden school on November 30, 2016 (the "Agreement"); and be it further

RESOLVED, that pursuant to the terms of the Agreement, the County shall agree to "defend, indemnify and hold harmless the School District from and against any and all liability, loss, damages, claims or actions (including costs and attorney's fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in connection with the actual or proposed use of School District property, facilities and/or School District services by the County and/or the activities, functions, events, affairs or proceedings of the County"; 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		N/A		\$0

Budget Funding Year(s) 2016 Start Date: 11/30/16 End Date: 11/30/16
(must match resolution)

Funding Source Tax Dollars \$0.00
 State Aid _____
\$ 0.00 Federal Aid _____
 (must match resolution) Other _____