

67519



Memorandum
Office of the County Attorney

Date: January 30, 2019

To: Board of Acquisition and Contract

From: John M. Nonna
County Attorney

Re: Authority to purchase Commercial General Liability Insurance from Tokio Marine Insurance Company through the brokerage firm of Spain Agency, Inc. for Polling Sites for Primary and General Elections. The premium cost of this insurance package shall not exceed \$125,000.00 for the policy period March 1, 2019 through March 1, 2020.

Pursuant to the New York State Election Consolidation and Improvement Act of 2005, Section 4-104(1) of the New York Election law requires the County Board of Elections to designate the polling places in each election district in which any election may be held. Several of the owners of the sites which the County Board of Elections has designated as polling places require the County to provide evidence of insurance naming the site owner as an additional insured.

Authority is now requested for the County of Westchester to purchase Commercial General Liability Insurance from Tokio Marine Insurance Company through the brokerage firm of Spain Agency, Inc. for Polling Sites for Primary, General and Village Elections. The premium cost of this insurance package shall not exceed \$125,000.00 for the policy period March 1, 2019 through March 1, 2020 to cover three (3) Elections tentatively identified as follows: 1) March 19, 2019 - Village Elections in Elmsford, Pelham, Sleepy Hollow and Rye, 2) September 10, 2019 - Primary Election and 3) November 5, 2019- General Election. Should any additional or alternative election dates (or polling sites) be required (for example, a special election), they will be added by endorsement. In addition, this office was advised by the Budget Department that additional monies may be necessary this year in view of the Early Voting Reform in New York State that would allow in-person voting up to 10 days before an election. The cost of such additional election date coverage is included in the requested not to exceed amount. The cost of this policy in 2018 was \$65,000.

The insurance package provides \$2,000,000.00 in Commercial General Liability coverage, (\$2,000,000 aggregate and \$1,000,000.00 per occurrence) which is subject to a \$5,000.00 deductible. The insurance will cover the dates of the election and the day before and the day after each event to allow for set up and take down.

The public purpose of the procurement of insurance is to ensure that polling places are adequately insured on all 2019 Election dates. The goal of maintaining adequate liability insurance coverage at polling places and any claims related thereto will be tracked and monitored by the Office of Risk Management on an ongoing basis.

This procurement is exempt under the Westchester County Procurement Policy pursuant to Section 3 (a)(v) thereof which exempts procurements of insurance or surety bonds.

Accordingly, your favorable action on the annexed Resolution is recommended.

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/28/2019 LISI WBIJAJ, SECRETARY

RESOLUTION

Upon a communication from the County Attorney, be it hereby

RESOLVED, that the County of Westchester is hereby authorized to purchase Commercial General Liability Insurance, from Tokio Marine Insurance Company through the brokerage firm of Spain Agency, Inc.; and be it further

RESOLVED, that under the terms of the insurance package, the Tokio Marine Insurance Company shall provide \$2,000,000.00 in Commercial General Liability coverage, (\$2,000,000 aggregate and \$1,000,000.00 per occurrence) which is subject to a \$2,500.00 deductible; and be it further

RESOLVED, that the premium cost of this insurance package shall not exceed \$125,000.00 for the policy period of March 1, 2019 through March 1, 2020, which will specifically cover the dates of the Village Elections, the Primary(s) and the General Election and additional or alternative election dates as may become required, plus the day before and day after each election to allow for set up and take down.

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

Account to be
Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
2019	101	14	1000	4280		\$125,000.00

Budget Funding Year(s) 2019 Start Date 3/1/19 End Date 3/1/20
(must match resolution)

Funding Source

\$125,000.00
(must match resolution)

Tax Dollars \$125,000.00
State Aid _____
Federal Aid _____
Other _____