

ID80633

November 4, 2020

To: Honorable Board of Acquisition and Contract

From: Kathleen M. O'Connor, Commissioner
Department of Parks, Recreation and Conservation

Re: Resolution authorizing the County to rescind a Resolution adopted on October 5, 2017 and to enter into a license agreement with The Friends of Lasdon Park & Arboretum, Inc. for the purpose of contributing to the support of Lasdon Park and Arboretum (the "Park"); encouraging and maintaining public appreciation of the Park; and assisting in cultural, musical, leisure time and other programs, activities and projects for the period of January 1, 2021 through December 31, 2025 with an option on the part of the County to renew the license for an additional five-year term.

The attached Resolution, if approved by your Honorable Board, would authorize the County of Westchester (the "County"), acting by and through the Department of Parks, Recreation & Conservation (the "Department"), to enter into a license agreement with The Friends of Lasdon Park & Arboretum, Inc. (the "Licensee" and/or "Friends") pursuant to which the Licensee would provide support, encourage and maintain public appreciation, and assist in cultural, musical, leisure and other programs at Lasdon Park and Arboretum commencing January 1, 2021 and ending December 31, 2025 at an annual license fee of \$1.00, with an option on the part of the County, to renew for an additional five-year term, at a license fee to be negotiated. The County and Friends prior license agreement expired in 2017, as another license was not entered into because the board of directors of Friends had reorganized. It was not until recently that the new board of directors of Friends entered into discussions with the Department regarding a license agreement with the County.

Authorization is also requested to rescind a Resolution adopted on October 5, 2017 which authorized the County to enter into a License with Friends for the term November 1, 2017 through October 31, 2022 because that License was never entered into as a result of the reorganization of Friends.

The Friends, a not-for-profit corporation formed exclusively for charitable purposes and solely for the benefit of Lasdon Park and Arboretum, operates a garden shop, collects donations, administers an office and visitor center and co-sponsors programs such as plant

sales, conservatory exhibits, holiday and cultural events, workshops and seminars. Friends re-invests all net proceeds into Lasdon Park and Arboretum programs, events, promotions and maintenance.

As additional consideration for this license, the Licensee shall pay to the County, Fifty (50%) Percent of all proceeds, after expenses, for each co-sponsored event and/or project which may include, but is not limited to, outdoor concerts, events/programs, workshops, seminars, two Holiday Train Shows (“Train Shows”) and military events held in each year of this License. The license fee shall not include proceeds from the garden shop or plant sales. With the exception of the plant sale events, all co-sponsored events will be staffed by the County and the County will collect all entrance fees.

Pursuant to Section 3(b) thereof, the Westchester County Procurement Policy and Procedures are not applicable to licenses.

The goal of this agreement is for the Friends to assist in promoting the horticultural and cultural mission at Lasdon by operating a garden shop, organizing plant sales, assisting with the development of Conservatory exhibits and financially supporting exhibits, workshops and events which provide horticultural, educational and cultural opportunities for the public. The objective of this agreement will be tracked and monitored by the Arboretum Manager who will oversee the organization of the various events and programs.

Accordingly, I recommend your Honorable Board’s approval of the annexed Resolution.

KMO/DI

RESOLUTION

Upon a communication from the Commissioner of the Department of Parks, Recreation and Conservation, be it hereby

RESOLVED, that the Resolution adopted on October 5, 2017 authorizing the County of Westchester (the "County") to enter into a License agreement with The Friends of Lasdon Park & Arboretum, Inc. (the "Licensee") for the term November 1, 2017 through October 31, 2022 is hereby rescinded in its entirety; and be it further

RESOLVED, that the County is hereby authorized to enter into an agreement (the "License") with the Licensee pursuant to which the Licensee shall provide support, encourage and maintain public appreciation, and assist in cultural, musical, leisure and other programs at Lasdon Park and Arboretum commencing January 1, 2021 and ending December 31, 2025, with an option on the part of the County, to renew the license for an additional five-year term, at a license fee to be negotiated; and be it further

RESOLVED, that in consideration of this License, the Licensee shall pay the County an annual fee of \$1.00, operate a garden shop, organize plant sales, accept donations, assist with the development of Conservatory exhibits and financially support public programs such as exhibits, workshops and events which provide horticultural, educational and cultural opportunities for the public and shall re-invest all net proceeds into Lasdon Park and Arboretum programs, events, promotions and maintenance; and be it further

RESOLVED, that as additional consideration for this license, the Licensee shall pay to the County, Fifty (50%) Percent of all proceeds, after expenses, for each co-sponsored event and/or project which may include, but is not limited to, outdoor concerts, events/programs, workshops, seminars, two Holiday Train Shows and military events held in each year of this License. The license fee shall not include proceeds from the garden shop or plant sales. With the exception of the plant sale events, all co-sponsored events will be staffed by the County and the County will collect all entrance fees; and, be it further

RESOLVED, that the County Executive, 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	
165	42	5100	9289		\$1.00	2021
165	42	5100	9289		\$1.00	2022
165	42	5100	9289		\$1.00	2023
165	42	5100	9289		\$1.00	2024
165	42	5100	9289		\$1.00	2025

Budget Funding Year(s) 2021-2025 Start Date 1/1/2021 End Date 12/31/2025
(must match resolution)

Funding Source Tax Dollars _____
State Aid _____
5.00 Federal Aid _____
(must match resolution) Other revenue

APPROVED BOARD OF ACQUISITION & CONTRACT - 1/25/2020 - JOAN COCCIARDI, SECRETARY