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84867

TO: The Honorable Board of Acquisition and Contract

FROM: Reginald A. LaFayette & Douglas A. Colety
Commissioners of the Board of Elections

DATE: May 4, 2021

RE: Resolution authorizing the County of Westchester (the "County") to agree to hold harmless and indemnify owners of any and all polling places to be used by the County in connection with the upcoming 2021 Elections

The County of Westchester (the "County"), acting by and through its Board of Elections ("Board of Elections"), uses many non-County owned facilities (such as schools, houses of worship and municipal buildings) as polling places in order to conduct Primary, Special and General Elections. The Board of Elections has advised that owners of certain polling places (collectively the "Polling Place Property Owners") have requested that the County agree to indemnify them, in writing, for any damage and/or injury that may result from the County's usage of their property as polling places in connection with the upcoming 2021 Primary, Special and General Elections.

If authorized by your Honorable Board, the attached resolution would authorize the County to agree that, except for the amount, if any, of damage contributed to, caused by or resulting from the acts or omissions of the Polling Place Property Owners, the County shall defend, indemnify and hold harmless the Polling Place Property Owners, from any and all liability loss, claims, or actions, (including costs and reasonable attorneys' fees) for bodily injury, or damage to property, to the extent permissible by law, in connection with the County's use of the polling places for all upcoming 2021 Primary, Special and General Elections.

The public purpose, as well as the goal and objective of this resolution, is to allow the Board of Elections to carry out its statutory duties in connection with all upcoming 2021 Elections and to ensure that polling places are available to enable all eligible County residents to exercise their right to vote.

As we believe this to be in the best interests of the County, and necessary for the Board of Elections to carry out its statutory duties in connection with the upcoming 2021 Elections, we most respectfully recommend and urge the adoption of the annexed Resolution.

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APPROVED BOARD OF ACQUISITION & CONTRACT - 05/20/2021 - LISA MRIJAJ, SECRETARY

RESOLUTION

Upon a communication of the Commissioners of the Board of Elections, be it hereby

RESOLVED, that the County of Westchester is hereby authorized to agree, in writing, to hold harmless and indemnify the owners of any and all polling places to be used by the County in connection with all 2021 Elections as follows:

“the County of Westchester ("County") agrees that, except for the amount, if any, of damage contributed to, caused by or resulting from the acts or omissions of the Indemnitee, the County shall defend, indemnify and hold harmless the Indemnitee, from any and all liability loss, claims, or actions, (including costs and reasonable attorneys' fees) for bodily injury, or damage to property, to the extent permissible by law, arising out of or in connection with the permission herein granted.”

; and be it further

RESOLVED, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute all appropriate contracts or documents necessary to effectuate the purposes of this resolution in the manner prescribed by law.

| Account to be Charged/credited | Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub Object | Trust Account | Dollars |
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Budget Funding Year(s) _____ Start Date 01/01/2021 End Date 12/31/21
 (must match resolution)

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

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/20/2021 - JUAN MARIJAJ, SECRETARY