



**REGINALD A.
LAFAYETTE**
Commissioner
Fax 914-995-7753

JEANNIE L. PALAZOLA
Deputy Commissioner

**25 Quarropas Street
White Plains, NY 10601
914-995-5700
www.westchestergov.com/boe**

DOUGLAS A. COLETY
Commissioner
Fax 914-995-3190

DOROTHY L. DIPALO
Deputy Commissioner

84881

TO: The Honorable Board of Acquisition and Contract

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

DATE: May 5, 2021

RE: Resolution authorizing the County of Westchester (the "County") to agree to hold harmless and indemnify the City of Yonkers, owner of a polling place(s) to be used by the County in connection with the upcoming Elections in 2021.

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 the City of Yonkers ("Yonkers"), the owner of a polling place(s) has 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 place(s) in connection with the upcoming School District, State and Local Primary and Special Elections and the General Election in 2021.

If authorized by your Honorable Board, the attached resolution would authorize the County to agree as follows:

"The County agrees to protect defend, indemnify and hold the City of Yonkers and its employees free and harmless from and against any and all losses, claims, liens, demands and causes of action of every kind and character, including the amount of judgments, penalties, interest court costs and legal fees incurred by the city in defense of same arising in favor of

claims, liens, debts, personal injuries, including personal injuries sustained by employees of the City, death, or damage to property, including property of the City, and without limitation by enumeration, all other claims or demands of every character occurring or in any way incident to the election held at the polling place.”

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 School District, State and Local Primary and Special Elections and the General Election 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 Elections, we most respectfully recommend and urge the adoption of the annexed Resolution.

RAL/DAC/di

APPROVED BOARD OF ACQUISITION & CONTRACT 10/25/2021

ESY, MRUJAJ, 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 enter into an agreement with the City of Yonkers to utilize polling sites in 2021 which provides as follows:

“The County agrees to protect defend, indemnify and hold the City of Yonkers and its employees free and harmless from and against any and all losses, claims, liens, demands and causes of action of every kind and character, including the amount of judgments, penalties, interest court costs and legal fees incurred by the city in defense of same arising in favor of claims, liens, debts, personal injuries, including personal injuries sustained by employees of the City, death, or damage to property, including property of the City, and without limitation by enumeration, all other claims or demands of every character occurring or in any way incident to the election held at the polling place.”

; 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

Budget Funding Year(s) _____ Start Date 5/01/2021 End Date 12/31/21
 (must match resolution)

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