

84986

TO: The Honorable Board of Acquisition and Contract

FROM: Sherlita Amler, M.D.
Commissioner of Health

DATE: May 12, 2021

RE: Resolution authorizing the County of Westchester to agree to defend, indemnify and hold harmless school districts and municipalities who own sites to be used by the County to conduct vaccination clinics to administer and dispense with the novel coronavirus vaccine.

The County of Westchester (the "County"), acting by and through its Department of Health ("Department of Health"), has been using facilities ("Vaccination Sites") owned by school districts and municipalities (collectively the "Owners") to conduct vaccination clinics to administer and dispense with the novel coronavirus (COVID-19) vaccine, as part of the Health Department's 2019-Novel Coronavirus Vaccination Response Annex submitted to the New York State Department of Health.

Some of the Owners of the Vaccination Sites have requested that the County agree to defend and indemnify them, in writing, from and against any and all liability, damage, claims, demands, costs, judgments, fees, reasonable attorneys' fees or loss caused by the willful or intentional misconduct or negligent or reckless acts or omissions of the County, the County's officers and employees and third parties under the direction or control of the County on the Owner's property or in the operation of the COVID-19 vaccination clinics.

The public purpose, as well as the goal and objective of this resolution, is to allow the Department of Health to carry out its duties in connection with responding to and combating the COVID-19 pandemic, including conducting COVID-19 vaccination clinics throughout the County.

As we believe this to be in the best interests of the County, and necessary for the Department of Health to carry out its duties in connection with the responding to and combating the COVID-19 pandemic, we most respectfully request the adoption of the annexed Resolution.

This authority is simply to provide defense and indemnification when requested and no consideration is being paid for the use of the Vaccination Sites. Should any other terms and conditions of any of the agreements require approval of your Honorable Board. A separate resolution will be submitted at that time.

SA/rn

RESOLUTION

Upon a communication of the Commissioner of the Department of Health, be it hereby

RESOLVED, that the County of Westchester (the “County”), acting by and through its Department of Health, is hereby authorized to agree, in writing, to defend, indemnify and hold harmless school districts and municipalities (collectively, the “Owners” and individually the “Owner”) who own sites to be used by the County to conduct vaccination clinics to administer and dispense with the novel coronavirus (“COVID-19”) vaccine in a form similar to the following:

The County agrees that, except for the amount, if any, of damage contributed to, caused by or resulting from the willful or intentional misconduct or negligent or reckless acts or omissions of the Owner, its elected officials, officers, employees or agents (the “Indemnitees”), the County shall defend, indemnify and hold harmless, the Indemnitees from and against any and all liability, damage, claims, demands, costs, judgments, fees, reasonable attorneys’ fees or loss caused by the willful or intentional misconduct or negligent or reckless acts or omissions of the County, the County’s officers and employees and third parties under the direction or control of the County on the Owner’s property or in the operation of the COVID-19 vaccination clinics.

; 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
N/A					

Budget Funding Year(s) _____ Start Date _____ End Date _____
(must match resolution)

Funding Source Tax Dollars _____

State Aid _____

\$ _____ Federal Aid _____

(must match resolution)

Other _____