

ACT 16 - 2023

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

DRAFT
IMA ON FILE

Your Committee is in receipt of a communication from the County Executive recommending the adoption of an Act which, if approved by your Honorable Board, would authorize the County of Westchester (the “County”), acting by and through its Department of Public Safety (the “Department”), to amend an inter-municipal agreement (“IMA”) with Putnam Northern Westchester BOCES (“BOCES”), pursuant to which BOCES agreed to coordinate a portion of the Bureau of Justice Assistance’s STOP School Violence Prevention and Mental Health Training Program (aka Project BRIGHT), for a term commencing on July 1, 2021 and continuing through September 30, 2022 for an amount not-to-exceed \$250,000.00, by: (1) extending the term of the IMA for a one-year period commencing on October 1, 2022 and continuing through September 30, 2023; and (2) increasing the not-to-exceed amount authorized thereunder by an additional \$40,000.00 to pay for additional training services to be rendered during the extension period.

By Act No. 2021-150 approved on September 20, 2021, your Honorable Board authorized the County, through the Department, to enter into an IMA with BOCES, pursuant to which BOCES agreed to coordinate the threat assessment training portion of Project BRIGHT by: 1) hiring and overseeing the supervision of coaches and trainers; 2) setting up threat assessment trainings at 20 public, private, parochial and charter schools throughout the County; 3) providing technical assistance and reporting services; and 4) working with the project coordinator and evaluator to ensure that the trainings are coordinated. In consideration for providing these services, the County agreed to pay BOCES a total amount not-to-exceed Two Hundred Fifty Thousand (\$250,000.00) Dollars, payable in five (5) installments of \$50,000.00 each, in accordance with an approved payment schedule.

Your Committee is advised that the Project BRIGHT Program is funded under a grant (the “Grant”) from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (“DOJ”). Due to various delays, mostly related to COVID-19, the County was unable to complete all of the goals and objectives of the Grant by the September 30, 2022 deadline. As such, the Department requested and DOJ agreed to a “no-cost” extension of the Grant through

September 30, 2023, to enable the County to complete the various goals and objectives of the program.

In light of the Grant extension, the Department now wishes to extend the term of the IMA with BOCES for an additional one-year period commencing on October 1, 2022 and continuing through September 30, 2023 and to increase the NTE amount thereunder by an additional \$40,000.00, to pay for additional training services as described above.

Your Committee is advised that because the definition of “municipal corporation” under New York General Municipal Law § 119-n includes “boards of cooperative education services,” the proposed agreement constitutes an IMA requiring your Honorable Board’s approval.

Your Committee is further advised that the proposed IMA is exempt from the requirements of the Westchester County Procurement Policy pursuant to section 3(a)xviii thereof, which exempts any procurement for the creation and support of youth service projects. In addition, these services are funded with Federal grant monies and are, pursuant to Section 13 of the County Procurement Policy, subject to Federal procurement requirements. The Federal procurement regulations (2 CFR§ 200.320) require that contracts in amounts equal to or less than \$250,000, be procured competitively, unless such contracts are deemed to be “non-competitive” procurements. In accordance with 2 CFR§ 200.320(c)(4), the County’s STOP DWI Office contacted the DOJ requesting that it authorize a non-competitive proposal in this case. The DOJ subsequently approved BOCES as one of the sub awardees under the grant.

In addition, the proposed IMA does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated May 14, 2021, which is on file with the Clerk of the Board of Legislators.

Your Committee has carefully considered this matter and has concluded that it is in the best interest of the County to adopt an Act to authorize the County to amend this IMA to provide additional threat assessment training services under Project BRIGHT.

It should be noted that an affirmative vote of a majority of the members of your Honorable Board is required in order to adopt the attached Act. Accordingly, your Committee recommends approval of the annexed proposed Act.

Dated: _____ 2023
White Plains, New York

January 17th, 2023

s: JG/10-14-22

Public Safety

~~Henry~~
~~John~~
S. J. G.
James
Charged A. C. J. G.
James

January 23rd, 2023
Committee on:

Budget & Appropriations

Robert
S. J. G.
James
James
John
John
John
John

FISCAL IMPACT STATEMENT

SUBJECT: STOP-DWI Contract with PNW BOCES to help coordinate BJA (Bureau of Justice Assistance) STOP School Violence Prevention & Mental Health Training Program (aka Project Bright)
 NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ 0

Total Current Year Revenue \$ 0

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: Fund: 711; Dept. 71; Trust Account: T16V; Object: 4380
(October 1, 2022-September 30, 2023)

Potential Related Operating Budget Expenses: Annual Amount \$ 0

Describe: No impact to the Operating Budget

Potential Related Revenues: Annual Amount \$ 0

Describe: No impact to the Operating Budget. Funding received from Department of Justice BJA (Bureau of Justice Assistance) STOP School Violence Prevention and Mental Health Training Program Grant. The total amount of the 3 year grant (10/2019-9/2022) was \$500,000 which will be accounted for in Department 71, Fund 711. DOJ has awarded a 'no-cost one year extension' for this grant. This contract with PNW BOCES is for \$40,000 for 12 months (October 1, 2022-September 30, 2023)

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \$ 0

No impact to the Operating Budget

Next Four years: \$0

Prepared by: Patricia McCarthy Tomassi

Title: Program Administrator

Department: Public Safety
Office of Drug Abuse Prevention & STOP DWI

Reviewed By: 

Budget Director

If you need more space, please attach additional sheets.

AN ACT authorizing the County of Westchester to amend an inter-municipal Agreement with Putnam Northern Westchester BOCES (the "BOCES") pursuant to which BOCES agreed to coordinate a portion of the Bureau of Justice Assistance's STOP School Violence Prevention and Mental Health Training Program in order to extend the term of the IMA through September 30, 2023 and increase the not-to-exceed amount by \$40,000

NOW, THEREFORE, BE IT ENACTED, by the County Board of the County of Westchester as follows:

Section 1. The County of Westchester (the "County") is hereby authorized to amend an inter-municipal agreement (the "IMA") with Putnam Northern Westchester BOCES ("BOCES"), pursuant to which BOCES agreed to coordinate the threat assessment training portion of the Bureau of Justice Assistance's STOP School Violence Prevention and Mental Health Training Program (aka Project BRIGHT), for a term commencing on July 1, 2021 and continuing through September 30, 2022 for an amount not-to-exceed \$250,000.00, in order to: (1) extend the term of the IMA for a one-year period commencing on October 1, 2022 and continuing through September 30, 2023; and (2) increase the not-to-exceed amount authorized thereunder by an additional Forty Thousand (\$40,000.00) Dollars to pay for additional training services to be performed during the extension period.

§2. The County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents appropriate and necessary to effectuate the purposes hereof.

§3. This Act shall take effect immediately.

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I **HEREBY CERTIFY** that I have compared the foregoing Act, Act No. 16 - 2023, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on January 23, 2023, and approved by the County Executive on January 27, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 30th day of January, 2023.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

