

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

**DRAFT
IMAs ON FILE**

Your Committee is in receipt of a communication from the County Executive recommending the approval of an Act which, if approved, would authorize the County of Westchester (the “County”), acting by and through its Department of Senior Programs and Services (the “Department”), to enter into grant agreements (the “Grant Agreements”) with the New York State Office for the Aging (“NYSOFA”) to accept grant funds made available to the County under Titles III-B, III-C & the Nutrition Services Incentive Program (“NSIP”), III-D and III-E of the Older Americans Act (“OAA”), in the total aggregate not-to-exceed amounts set forth below. The Grant Agreements will be for a term commencing retroactive to January 1, 2022 and continuing through December 31, 2022, except for the grant agreement for NSIP which will commence retroactive to October 1, 2021 and continue through September 30, 2022. Additionally, authority is requested to enter into inter-municipal agreements (“IMAs”) with the municipalities listed in Exhibit “A”, attached to the Act (the “Municipalities”), for services to be funded with the grants received from NYSOFA under the Grant Agreements in the total aggregate not-to-exceed amounts set forth below, for terms corresponding to the term of each grant.

Grant Amounts

Title III-B	Title III-C & NSIP	Title III-D	Title III-E
\$1,032,706	\$2,125,627	\$62,698	\$568,047

IMAs

Title III-B	Title III-C & NSIP	Title III-D	Title III-E
\$230,021	\$1,407,785	\$0	\$0

Your Committee is advised that the services to be provided under the IMAs with the funds received from the OAA for Titles III-B and III-C & NSIP are: (i) nutrition services such as congregate and home delivered meals; and (ii) nutrition education; equipment; supplies; vehicle expenses; and transportation services (the “Services”). Your Committee is further advised that a portion of the grant funds under Title III-B and Titles III-C & NSIP service programs will be used directly by the Department for Area Agency Administration and that no services will be provided under IMAs with the funds received under the OAA for Titles III-D and III-E. Instead, this funding will be allocated for contracts with non-municipal agencies to provide various services to seniors.

Your Committee is advised that the Department has complied with the Westchester County Procurement Policy and Procedures (the "Policy"), noting that the Grant Agreements with NYSOFA do not constitute a procurement, and that the IMAs are exempt from the Policy pursuant to section 3(a) iii thereof which exempts the procurement of contracts with ". . . any State and any political subdivision, agency or instrumentality thereof." The IMAs are also exempt pursuant to section 3(a) xix of the Policy, which exempts "any procurement for the purpose of entering into a contract with persons to provide direct services to senior citizens."

Notwithstanding that procurement for these services are exempt from the Policy, these Services are funded with Federal grant monies and as such are, pursuant to Section 13 of the Policy, subject to Federal procurement requirements. The Federal procurement regulations (2 CFR§ 200.320), require that contracts in amounts greater than \$10,000 and up to \$250,000, be procured by obtaining price or rate quotations from an adequate number of qualified sources, unless the such contracts are deemed to be "non-competitive" procurements. Because the Services are being provided directly by the respective Municipalities using their own resources (i.e., senior centers, buses, food service providers, equipment, etc.), it has been determined that these Services constitute non-competitive procurements in accordance with 2 CFR§ 200.320 (c)(2), in that due to the nature and extent of the services being provided, the Services are only available from those single sources.

Your Committee notes that this Honorable Board passed similar authorizing legislation pursuant to Act No. 82 - 2021. However, the existing authorization expired on December 31, 2021 and a new authorization will be needed to enter into new agreements.

The Planning Department has advised that based on its review, the proposed agreements with NYSOFA and the proposed IMAs do not meet the definition of an "action" under the State Environmental Quality Review Act, 6 NYCRR part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

Your Committee has been advised that the passage of the attached Act requires an affirmative vote of a majority of the members of your Honorable Board.

Your Committee believes that adoption of the proposed Act is necessary to effectively carry out this worthwhile program. Accordingly, after due consideration, your Committee recommends adoption of the annexed Act.

Dated: April 18, 2022
White Plains, New York

[Handwritten signatures]
Yancy Pan
Lance Zuckerman
David J. Di
Carmel [unclear]

[Handwritten signatures]
Don [unclear]
Yancy Pan
Lance Zuckerman

COMMITTEE ON

C:jpg/3-08-22

Budget & Appropriations

Seniors & Youth

Dated: April 18, 2022
White Plains, New York

The following members attended the meeting remotely, pursuant to Chapter 56 of the New York State Laws of 2022, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Budget & Appropriations

Mary Jane Skimsky
Walter R. Maher
Ramona
Catherine F. Parker
Silf Rein
David Q. Jablons

Seniors & Youth

David Q. Jablons

FISCAL IMPACT STATEMENT

SUBJECT: IIIB - excluding NR & Yonkers I & A Svcs

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 \$ 1636516

Total Current Year Revenue \$ 1032706

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 101-24-4957

263-85-T686

Potential Related Operating Budget Expenses: Annual Amount \$ 603810

Describe: County Match Funds

Potential Related Revenues: Annual Amount \$ 1032706

Describe: Funding received from the Federal Government under the Older American's Act.

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

Current Year: The Department would not be able to provide Transportation, Legal Services, Homemaker, and In-Home Contact & Support to Seniors in Westchester.

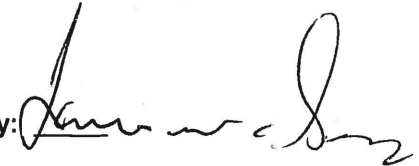
Next Four years:

Estimated to be same as above each year.

Prepared by: Sandra Brown

Title: Director of Program Development II

Department: Senior Programs & Svcs.

DJO
Reviewed By: 

Budget Director

3/23/22

If you need more space, please attach additional sheets.

FISCAL IMPACT STATEMENT

SUBJECT: IIC1/NSIP 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 \$ 1620452

Total Current Year Revenue \$ 1386770

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 101-24-4957

263-85-T941

Potential Related Operating Budget Expenses: Annual Amount \$ 233682

Describe: County Match Funds

Potential Related Revenues: Annual Amount \$ 1386770

Describe: Funding received from the Federal Government under the Older American's Act.

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

Current Year: The Department would not be able to provide seniors with Congregate Meals, Nutrition Education, Senior Center Recreation and Education and supplement regional kitchen equipment, repairs and supplies as needed.

Next Four years:

Estimated to be same as above each year.

Prepared by: Sandra Brown

Title: Director of Program Development II

Department: Senior Programs & Svcs.

DB
Reviewed By: 

Budget Director

3/23/02

If you need more space, please attach additional sheets.

FISCAL IMPACT STATEMENT

SUBJECT: IIC2/NSIP 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 \$ 829677

Total Current Year Revenue \$ 738857

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 101-24-4957

263-85-T942

Potential Related Operating Budget Expenses: Annual Amount \$ 90820

Describe: County Match Funds

Potential Related Revenues: Annual Amount \$ 738857

Describe: Funding received from the Federal Government under the Older American's Act.

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

Current Year: The Department would not be able to provide Home Delivered Meals, Nutrition Education Nutrition Counseling and supplement regional kitchen equipment, supplies, repairs and vehicle expenses as needed.


Next Four years:

Estimated to be same as above each year.

Prepared by: Sandra Brown

Title: Director of Program Development II

Department: Senior Programs & Svcs.

2/10
Reviewed By: 

Budget Director

3/23/22

If you need more space, please attach additional sheets.

FISCAL IMPACT STATEMENT

SUBJECT: IIID 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 \$ 94452

Total Current Year Revenue \$ 62698

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 101-24-4957

263-85-T943

Potential Related Operating Budget Expenses: Annual Amount \$ 31754

Describe: County Match Funds

Potential Related Revenues: Annual Amount \$ 62698

Describe: Funding is received from the Federal Government under the Older American's Act.

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

Current Year: The Department would not be able to provide Health & Wellness and Chronic Disease Self-Management programs to seniors in Westchester County.


Next Four years:

Estimated to be same as above each year.

Prepared by: Sandra Brown

Title: Director of Program Development II

Department: Senior Programs & Svcs.

DJD
Reviewed By: 

Budget Director

3/23/22

If you need more space, please attach additional sheets.

FISCAL IMPACT STATEMENT

SUBJECT: III E 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 \$ 789910

Total Current Year Revenue \$ 568047

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 101-24-4957

263-85-T448

Potential Related Operating Budget Expenses: Annual Amount \$ 221863

Describe: County Match Funds

Potential Related Revenues: Annual Amount \$ 568047

Describe: Funding received from the Federal Government under the Older American's Act.

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

Current Year: The Department would not be able to provide services under the National Family Caregiver Program; including caregiver and grandparent information, assistance, counseling, support groups, training and public information, assisted transportation and personal locator services.

Next Four years:

Estimated to be same as above each year.

Prepared by: Sandra Brown

Title: Director of Program Development II

Department: Senior Programs & Svcs.

Reviewed By: 

Budget Director

3/23/22

If you need more space, please attach additional sheets.

ACT NO. 37 – 2022

AN ACT authorizing the County of Westchester to enter into grant agreements with the New York State Office for the Aging to accept grant funds under Titles III-B, III-C, Nutrition Services Incentive Program (“NSIP”), III-D and III-E of the Older Americans Act and also to enter into inter-municipal agreements with local municipalities for services to be funded by Titles III-B, III-C & NSIP grants under the Older Americans Act.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The County of Westchester (the “County”) be and hereby is authorized to enter into grant agreements (the “Grant Agreements”) with the New York State Office for the Aging (“NYSOFA”) to accept grant funds made available to the County under Titles III-B, III-C & NSIP, III-D and III-E of the Older Americans Act (“OAA”), in the total aggregate not-to-exceed amounts set forth below. The Grant Agreements will be for a term commencing retroactive to January 1, 2022 and continuing through December 31, 2022, except for the grant agreement for NSIP, which will commence retroactive to October 1, 2021 and continue through September 30, 2022:

Grant Amounts

Title III-B	Title III-C & NSIP	Title III-D	Title III-E
\$1,032,706	\$2,125,627	\$62,698	\$568,047

§2. The County is further authorized to enter into inter-municipal agreements (“IMAs”) with the municipalities listed in Exhibit “A”, attached hereto and made a part hereof, for services to be funded by grants received by the County from NYSOFA under OAA, in the total aggregate not-to-exceed amounts set forth below, for retroactive terms corresponding to the term of each grant.

IMAs

Title III-B	Title III-C & NSIP	Title III-D	Title III-E
\$230,021	\$1,407,785	\$0	\$0

§3. The contract amounts for each IMA shall be determined at the discretion of the Commissioner of the Department of Senior Services and Programs.

§4. The services to be provided under the IMAs with the funds received under the OAA for Titles III-B and III-C & NSIP shall include: nutrition services such as congregate and home delivered meals; nutrition education; equipment; supplies; vehicle expenses; and transportation services.

§5. There will be no services provided under IMAs with the funds received under the OAA for Titles III-D and III-E. Instead, this funding will be allocated for contracts with non-municipal agencies to provide various services to seniors.

§6. The County Executive or his authorized designee is hereby empowered to execute all instruments and take all actions reasonable and necessary to effectuate the purposes hereof.

§7. This Act shall take effect immediately.

EXHIBIT "A"

LIST OF MUNICIPALITIES AND SERVICES

GRANT: III-B <u>SERVICES</u>	GRANTS: III-C-1, III-C-2 & NSIP <u>SERVICES</u>
Transportation	Meals and Other-Regional Kitchen Equipment, Supplies, Repairs & Vehicle Expenses
Town of Cortlandt	Town of Cortlandt
Town of Eastchester	Town of Eastchester
Town of Greenburgh	Town of Greenburgh
Town of Mamaroneck	Town of Mamaroneck
Village/Town of Mount Kisco	Village/Town of Mount Kisco *
Town of Mount Pleasant	Town of Mount Pleasant
City of Mount Vernon	City of Mount Vernon *
City of New Rochelle	City of New Rochelle
Town of Ossining	Town of Ossining
City of Peekskill	City of Peekskill *
Village of Port Chester	Village of Port Chester
Town of Somers	Town of Somers
City of White Plains	City of White Plains
City of Yonkers	City of Yonkers
Town of Yorktown	Town of Yorktown *

Note:

- ALL municipalities listed above under Title III-B will provide Transportation Services
- ALL municipalities listed above under III-C-1, III-C-2 & NSIP will provide Meals, EXCEPT that ONLY those marked with an asterisk (*) will also provide Other-Regional Kitchen Equipment, Supplies, Repairs & Vehicle Expenses

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I **HEREBY CERTIFY** that I have compared the foregoing Act, Act No. 37 - 2022, 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 April 25, 2022, and approved by the County Executive on April 27, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 28th day of April, 2022.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

