


March 30, 2023

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Act – Resource Allocation Plan.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators April 3, 2023 Agenda.

Transmitted herewith is an Act which, if approved by your Honorable Board, will authorize the County of Westchester, acting by and through its Youth Bureau (the "County"), to execute and submit to the State of New York (the "State") a resource allocation plan.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for April 3, 2023 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

March 30, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, NY 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is an Act which, if approved by your Honorable Board, will authorize the County of Westchester, acting by and through its Youth Bureau (the “County”), to execute and submit to the State of New York (the “State”) a resource allocation plan (the “Plan”), which will qualify the County to receive certain State reimbursements through the State’s Office of Children and Family Services (“OCFS”). The Plan will authorize the County to allocate funds for certain youth services programs and related administrative activities, for a program period of nine (9) months, commencing January 1, 2023 and terminating September 30, 2023.

The total aggregate reimbursement the County will receive under the Plan will be Eight Hundred Seventy-Three Thousand, Nine Hundred Three and 00/100 (\$873,903.00) Dollars (“Funds”). Pursuant to the Plan, the County will administer the Funds on behalf of the OCFS under the following funding streams: (i) Youth Development Program funds; (ii) Runaway and Homeless Youth Act funding; and (iii) the newly created program entitled “Youth Sports and Education Opportunity Funding.” It should be noted that OCFS requires approval by your Honorable Board in order for the County to enter into the Plan.

In addition, if approved by your Honorable Board, the Act will further authorize the County to enter into inter-municipal agreements (“IMAs”) with the indicated municipalities (the “Municipalities”) for the provision of positive youth development programs listed below (individually, the “Program,” and, collectively, the “Programs”), under the OCFS’s Youth Development Program, for the period of nine (9) months, from January 1, 2023 through September 30, 2023. The IMAs will be for a total aggregate amount not to exceed Two Hundred Forty-Four Thousand, Eight Hundred Forty-Two and 00/100 (\$244,842.00) Dollars, allocated per Program as follows:

| YOUTH DEVELOPMENT PROGRAMS | | | |
|----------------------------|------------------------|---------|-------------|
| Vendor | Locations/Program | CT# | CT Amt |
| Ardsley, Village of | Ardsley Teen Center | YTH2319 | \$ 1,351.00 |
| Bedford, Town of | Summer Employment Camp | YTH2320 | \$ 2,667.00 |

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| Briarcliff, Village of | Summer Youth Employment | YTH2321 | \$ 1,816.00 |
| Cortlandt, Town of | Youth Employment Services | YTH2323 | \$ 7,484.00 |
| Eastchester, Town of | Youth Employment | YTH2325 | \$ 6,790.00 |
| Greenburgh, Town of | TYCC Crossroads | YTH2327 | \$ 8,699.00 |
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| | Camp Pride/Youth Employment | YTH2353 | \$ 19,528.00 |
| | Youth-Community Affairs Development (Y-CAD) | YTH2357 | \$ 23,303.00 |
| Yorktown, Town of | Recreation Project | YTH2354 | \$ 4,008.00 |
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It should be noted that in addition to the IMAs, the County will enter into numerous agreements with various not-for-profit corporations, pursuant to which said entities will provide various other youth programs designed to provide opportunities for youth to actively acquire the technical, educational, cultural, social and emotional skills and abilities needed to grow up to be competent, caring and healthy adults as well as respite services to runaway and homeless youth through the operation of a 14 bed 24 x 7 shelter program entitled "Sanctuary Program," subject to all necessary legal approvals.

Since the Plan does not constitute a procurement of goods or services, it is not subject to the provisions of the Westchester County Procurement Policy. In addition, the IMAs are exempt from the Westchester County Procurement Policy pursuant to section 3(a) xviii thereof, regarding programs and services for the

prevention of delinquency and youth crime and the advancement of the moral, physical, mental and social well-being of the youth of Westchester County.

Pursuant the Plan, OCFS reserves the right to modify the services or budgets at its discretion or when required by the State Comptroller. In addition, pursuant to the Plan, OCFS may withhold approval for reimbursement for certain youth programs included in the event of noncompliance with the Plan or rules and regulations of OCFS or if the County does not have a County Child and Family Services Plan approved by OCFS. Please note that the County anticipates to submit a County Child and Family Services Plan in May of this year, which is expected to be approved by OCFS shortly thereafter.

The Programs use positive youth development models to focus on providing opportunities for youth to actively acquire the skills and abilities needed to grow up to be competent, caring and healthy adults. The Programs will implement service, opportunities and supports that target specific areas of positive youth development. The Programs will administer internal controls to collect and analyze qualitative and quantitative outcomes to measure the efficacy of Program goals and their ability to increase positive youth development. The Programs anticipate outcomes of positive skills attainment, social competencies and an increased measure of positive youth development across all measurable areas.

Program outcomes will be tracked and monitored by evaluation of the Programs' data; monthly, quarterly, and annual reports submitted to the County Youth Bureau, and through site visits by the County Youth Bureau Program monitor.

The Planning Department has advised that neither the proposed Plan nor the proposed IMAs do not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of your Honorable Board. Therefore, no further environmental review is required. As you know, your Honorable Board may use expert advice to reach its own conclusions.

As the County's participation in this Plan will permit reimbursement by the State for the administration of important youth services programs, I strongly recommend that your Honorable Board adopt the annexed Act.

Sincerely,



George Latimer
County Executive
Attachments

**HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending approval of an Act, which if approved by your Honorable Board, will authorize the County of Westchester (the “County”) to execute and submit to the State of New York (the “State”) a resource allocation plan (the “Plan”) which will qualify the County for certain State reimbursement through its Office of Children and Family Services (“OCFS”). The Plan will authorize the County to allocate funds to administer certain youth services programs to be provided by certain municipalities and not-for-profit corporations and to related administrative activities, for a program period of nine (9) months, commencing January 1, 2023 and terminating September 30, 2023.

Your Committee is advised that the total aggregate reimbursement amount the County will receive under the Plan will be Eight Hundred Seventy-Three Thousand, Nine Hundred Three and 00/100 (\$873,903.00) Dollars (“Funds”). Pursuant to the Plan, the County will administer the Funds on behalf of OCFS under the following funding streams: (i) Youth Development Programming; (ii) Runaway and Homeless Youth Act, and (iii) the newly created program entitled “Youth Sports and Education Opportunity Funding.” It should be noted that OCFS requires approval by your Honorable Board in order for the County to accept the Funds under the Plan.

In addition, your Committee is advised that the proposed Act will further authorize the County to enter into inter-municipal agreements (“IMAs”) with the indicated municipalities (the “Municipalities”) for the provision of positive youth development programs listed below (individually, the “Program,” and, collectively, the “Programs”), under the OCFS’s Youth Development Program, for the period of nine (9) months, from January 1, 2023 through September 30, 2023. The IMAs will be for a total aggregate amount not to exceed Two Hundred Forty-Four Thousand, Eight Hundred Forty-Two and 00/100 (\$244,842.00) Dollars, allocated per Program as follows:

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Since the Plan does not constitute a procurement of goods or services, your Committee is advised that the Plan is not subject to the provisions of the Westchester County Procurement Policy. In addition,

your Committee is advised that the IMAs are exempt from the Westchester County Procurement Policy pursuant to section 3(a) xviii thereof, regarding programs and services for the prevention of delinquency and youth crime and the advancement of the moral, physical, mental and social well-being of the youth of Westchester County.

Your Committee is further advised that pursuant to the Plan, OCFS reserves the right to modify the services or budget at its discretion or when required by the State Comptroller. In addition, pursuant to the Plan, OCFS may withhold approval for reimbursement for certain youth programs included in the event of noncompliance with the Plan or rules and regulations of OCFS or if the County does not have a County Child and Family Services Plan approved by OCFS. Please note that the County anticipates to submit a County Child and Family Services Plan in May of this year, which is expected to be approved by OCFS shortly thereafter.

Your Committee is also advised that the Programs use positive youth development models to focus on providing opportunities for youth to actively acquire the skills and abilities needed to grow up to be competent, caring and healthy adults. The Programs will implement service, opportunities and supports that target specific areas of positive youth development. The Programs will administer internal controls to collect and analyze qualitative and quantitative outcomes to measure the efficacy of Program goals and their ability to increase positive youth development. The Programs anticipate outcomes of positive skills attainment, social competencies and an increased measure of positive youth development across all measurable areas.

Your Committee is further advised that the Program outcomes will be tracked and monitored by evaluation of the Programs' data; monthly, quarterly, and annual reports submitted to the County Youth Bureau, and through site visits by the County Youth Bureau Program monitor.

The Planning Department has advised your Committee that neither the proposed Plan nor the proposed IMAs do not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of your Honorable Board. Your Committee concurs with this conclusion.

Your Committee believes that the County's participation in the Plan and entering into the IMAs will benefit youth by providing funding for certain programs that target specific areas of positive youth development. Therefore, your Committee recommends adoption of the proposed Act. 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 the annexed proposed Act for adoption.

Dated: _____, 20____
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: NYS OCFS 2023 Allocation/Municipalities

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 \$ 899561

Total Current Year Revenue \$ 873,903

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: Operating Acct: 101-11-0400-OBJ 1010, 165-42-4750-OBJ 1010, 101-0400-OBJ 4436, 263-

11-530Y-OBJ 4380, 263-11-108Y-OBJ 4380, Rev Source 9734

Potential Related Operating Budget Expenses: Annual Amount \$ 145,156

Describe: Youth Bureau Staff Salary Exp for YDP and required match for RHY Programs: \$86,663 under 101-11-0400-1010; RHY Prog Exp as reqd local match \$20,993 under 101-11-0400-4436 and under 165-42-4575-1010 West Cty Park & Rec Staff salary exp \$37,500.

Potential Related Revenues: Annual Amount \$ 873,903

Describe: Reimbursements by State to YB Non Profit Orgs \$270,000 (263-11-530Y-9584) Municipalities \$244,842 (263-11-530Y-9584) RHYA Program \$62,980 (263-11-108Y-9584) YDP & RHYA Admin \$81,998 (101-11-0400-9734) NY Sports \$176,583 (263-11-530Y-9584) and WCPRF \$37,500 (165-42-4750-9734)

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

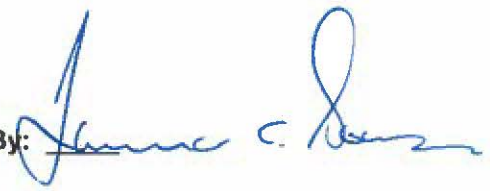
Current Year: \$25,658 Youth Bureau

Next Four years: NA

Prepared by: Bernie Dean


Title: Financial Administrator

Department: CEO/Youth Bureau

Reviewed By: 
Budget Director
3/29/23

If you need more space, please attach additional sheets.

TO: George Latimer, County Executive
Kenneth Jenkins, Deputy County Executive
John Nonna, County Attorney

FROM: David Kvinge, AICP, RLA, CFM 
Assistant Commissioner

DATE: January 12, 2023

SUBJECT: **ACTIVITIES NOT SUBJECT TO STATE ENVIRONMENTAL QUALITY REVIEW**

As required by the New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617 (“SEQR”), the Board of Legislators (“BOL”) is the body that must assess the environmental significance of all actions that the BOL has discretion to approve, fund or directly undertake. The Planning Department has historically conducted the necessary environmental review for the BOL to undertake its responsibility under SEQR. Additionally, contracts going before the Board of Acquisition and Contracts (“BAC”) must be reviewed for conformance with SEQR.

Pursuant to Section 617.2(b) of SEQR, “Actions” are defined as:

- (1) projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:
 - (i) are directly undertaken by an agency; or
 - (ii) involve funding by an agency; or
 - (iii) require one or more new or modified approvals from an agency or agencies;
- (2) agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions;
- (3) adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
- (4) any combinations of the above.

As part of the Planning Department’s ongoing review of its processes, we are streamlining the process for SEQR review and related document preparation for the BOL and BAC. The most effective method to achieve a more timely SEQR review is to create a list of categories of activities **that do not meet the definition of an “action”** as defined in SEQR. This list (attached) references activities that are routine and which do not change the use, appearance or condition of any natural resource or structure, nor do they involve policies or regulations that may affect the environment. The creation of this list in no way eliminates the BOL’s or BAC’s

responsibilities under SEQR. Rather, it establishes a workflow for items that are routine and do not, under the law, require environmental review.

Accordingly, the Planning Department advises that no environmental review is required and no SEQR documentation is necessary for submission with BOL legislation or with resolutions or contracts requiring BAC approval regarding activities on the attached list.

County departments and agencies may reference this memorandum in the legislation in order to document compliance with SEQR for actions listed herein. As such, this memorandum should be kept on file with the Clerk of the Board of Legislators. Legislation should include a statement similar to the following: "The proposed project does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 12, 2022, which is on file with the Clerk of the Board of Legislators."

This memorandum will be distributed to all Commissioners as part of County operations.

Please contact me if you have any questions.

Att.

cc: Malika Vanderberg, Clerk and Chief Administrative Officer to the Board of Legislators
Joan McDonald, Director of Operations
Andrew Ferris, Chief of Staff
Steve Bass, Director of Intergovernmental Relations
Paula Friedman, Assistant to the County Executive
Stacey Dolgin-Kmetz, Chief Deputy County Attorney
Tami Altschiller, Assistant Chief Deputy County Attorney
Norma Drummond, Commissioner of Planning

**ACTIVITIES THAT DO NOT MEET THE DEFINITION OF AN “ACTION”
PURSUANT TO SEQR AND ARE, CONSEQUENTLY, NOT SUBJECT TO SEQR**

1. BUDGETS AND AMENDMENTS

- Municipal budgets and amendments to them – The budgeting process merely sets aside funds without a commitment to their expenditure. Operating expenditures are typically for government-related activities that would also not meet the definition of an action. Even the establishment of the Capital Budget is not subject to SEQR because many of the capital projects are usually not definitive enough with respect to potential impacts to be reviewable at the time the budget is adopted. However, any subsequent authorization, such as bonding, to undertake a particular capital project is an action that requires SEQR compliance before it may be approved.
- The transfer of funds within the County operating and capital budgets for the purpose of balancing accounts – It is understood that these actions are purely budgetary, where accounts with excess funds are moved to accounts with existing or anticipated deficits. It is further understood that the activities covered by these accounts have either already occurred or been reviewed in accordance with SEQR, are Type II actions or actions that are not subject to SEQR, or are actions that will require future approval prior to being undertaken, at which time further SEQR review may be appropriate.
- Rescissions or reduction of bond acts to cancel unspent funds.

2. SERVICES

- Consultant services – Contracts or agreements that provide for administrative services, training, reports for Boards and Commissions, but not including studies or design of physical improvements, which has been listed under SEQR as Type II.
- Social Services – Actions or agreements that provide services to persons in need, such as employment assistance, family/domestic intervention and respite care.
- Youth services – Actions or agreements that provide for youth services, such as a Resource Allocation Plan, Invest-in-Kids Program, after-school programs, camp programs and head-start programs.
- Senior programs & services – Actions or agreements that provide for services to seniors, such as provision of information/education, home care, nutrition & transportation assistance, caregiver support, and acceptance of federal and state grants providing for such services (e.g., OAA Title III grants and NYSOFA grants, including CSE, CSI, CRC, EISEP, NYSTP, WIN & NSIP).
- Public Safety services – programs that promote public safety, such as STOP-DWI, Police Night Out, and intermunicipal agreements (IMAs) for shared training, equipment and response to emergencies, including E-911.
- Fire services – Fire district IMAs for shared training, equipment and response to emergencies.
- Legal services – Contracts for outside counsel, litigation or associated monetary settlements.

- Medical Services – Contracts with medical providers for medical examinations, testing, vaccinations or medical treatment of County employees or the public.
- Mental Health Services – Contracts with agencies to provide treatment, services or education related to mental health.

3. PERSONNEL MATTERS

- Actions related to employment or employees.
- Contracts for temporary staff assistance.
- Legislation pertaining to establishment and membership of boards and commissions.

4. FINANCES

- Tax Anticipation Notes.
- Bond acts to finance tax certiorari payments.
- Banking contracts/agreements for money management services.
- Mortgage tax receipts disbursements (County Clerk).
- Refinancing of affordable housing mortgages.
- Payment in Lieu of Taxes (PILOT) agreements.

5. LAWS

- New laws or amendments of existing laws that regulate the sale or use of products for the protection of public health.
- New laws or amendments of existing laws that regulate businesses for the protection of consumers.
- Pertaining to consumer protection, not including professional licensing, which have been classified as Type II.
- Pertaining to animal welfare, excluding regulations involving habitat management.
- Pertaining to public safety.
- Pertaining to taxation, such as establishment of new taxes or tax exemptions.
- Pertaining to establishment or modification of fees.
- Pertaining to notices, publications and record keeping.
- Pertaining to hiring or contracting procedures.
- Pertaining to the functioning of County government, such as term limits, board appointments, etc. that do not impact the environment.

6. MISCELLANEOUS

- Amendments to existing agreements for changes in name or consultants.
- Education/training programs, contracts for clinical instruction.
- Prisoner Transport IMAs.
- Tourism Promotion Agency designation.
- Software licenses.

- IMAs for temporary housing in existing facilities (homeless, inmate, troubled youths, domestic violence victims).
- Naming or renaming of streets, buildings, parks or other public facilities.

WCDP
JAN 2023

ACT NO. 2023 - _____

AN ACT authorizing the County of Westchester to execute and submit to the State of New York a Resource Allocation Plan which will provide State reimbursement for certain youth services programs and to enter into inter-municipal agreements with various municipalities to implement certain of those programs.

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

Section 1. The County of Westchester, acting by and through its Youth Bureau (the “County”), is hereby authorized to execute and submit to the State of New York (“State”) a Resource Allocation Plan (the “Plan”) which will qualify the County to receive certain State reimbursements through the State’s Office of Children and Family Services (“OCFS”), in the total aggregate amount of Eight Hundred Seventy-Three Thousand, Nine Hundred Three and 00/100 (\$873,903.00) Dollars (“Funds”). The Plan will allocate the Funds for certain youth services programs and related administrative activities, for the program period of nine (9) months, commencing January 1, 2023 and terminating September 30, 2023, under the following funding streams: (i) Youth Development Programming; (ii) Runaway and Homeless Youth Act, and (iii) the Youth Sports and Education Opportunity Funding.

§2. The County, is hereby further authorized to enter into inter-municipal agreements (“IMAs”) with the indicated municipalities (the “Municipalities”) set forth below, for the provision of positive youth development programs listed below (individually, the “Program,” and, collectively, the “Programs”), under the OCFS’s Youth Development Program, for the period of nine (9) months, from January 1, 2023 through September 30, 2023, in a total aggregate amount not to exceed Two Hundred Forty-Four Thousand, Eight Hundred Forty-Two and 00/100 (\$244,842.00) Dollars, allocated per Program as follows:

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| Tarrytown, Village of | Camp Summer Employment | YTH2348 | \$ 3,727.00 |
| Tuckahoe, Village of | Youth Services | YTH2350 | \$ 1,955.00 |
| White Plains, City of | Comprehensive Youth Alternative Projects | YTH2351 | \$ 25,118.00 |
| Yonkers, City of | Teen Recreation Center Program | YTH2352 | \$ 17,600.00 |
| | Camp Pride/Youth Employment | YTH2353 | \$ 19,528.00 |
| | Youth-Community Affairs Development (Y-CAD) | YTH2357 | \$ 23,303.00 |
| Yorktown, Town of | Recreation Project | YTH2354 | \$ 4,008.00 |
| | Youth Officer | YTH2355 | \$ 4,012.00 |

§3. 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.

§4. This Act shall take effect immediately.