

**TO THE COUNTY BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER**

**DRAFT
IMA ON FILE**

Upon a communication from the County Executive, your Committee has been advised that pursuant to sections 500-c and 500-d of the New York State Correction Law, the County is required at its own expense to transport prisoners between local municipalities and the Westchester County Jail located at Valhalla, New York. In addition, the County must provide meals to such prisoners.

The County Executive has forwarded legislation which would authorize the County to enter into an intermunicipal agreement (“IMA”) with the City of Peekskill (“Peekskill”) to reimburse to Peekskill the annual amount of \$234,376 for a total amount not to exceed \$468,752 for the term commencing January 1, 2020 and terminating December 31, 2021. This IMA will allow the County to reimburse Peekskill for the costs it incurs in transporting prisoners who have been arraigned to and from Peekskill and the Westchester County Jail, located at Valhalla, New York.

Reimbursement to Peekskill will be for round trip transportation and will be based on the per hour labor costs of police officers which range from \$54.25 to \$81.38 per hour. Reimbursement for hourly wage and fringe benefit costs will be for a maximum of four hours per officer per trip. Peekskill will also be reimbursed for vehicle usage at the current Internal Revenue Service mileage rate, multiplied by the mileage to and from the Westchester County Jail. The County will also reimburse Peekskill for the actual and reasonable cost of meals provided to post-arraignment prisoners.

The Department of Planning has advised that pursuant to 6 NYCRR 617.2(b) of the New York State Environmental Quality Review Act (“SEQRA”) Regulations, the proposed prisoner transportation does not meet the definition of an “action” and therefore, no further environmental review is required. Therefore, your Honorable Board need take no further action on this matter regarding SEQRA.

Your Committee has been advised that a majority of the voting strength of the Board of Legislators is required in order to adopt the annexed Act.

After review and careful consideration, your Committee recommends favorable action upon the proposed legislation.

Dated: 2/8, 2021
White Plains, New York

Benjamin Boyfman
Colin [Signature]

Ruth Weber
Benjamin Boyfman
Jedat Jasiri
Ashwin [Signature]

COMMITTEE ON

C:DI 1/15/21

Public Safety

Budget & Appropriations

Dated: February 8, 2021
White Plains, New York

The following members attended the meeting remotely, as per Governor Cuomo's Executive Order 202.1 and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Budget & Appropriations

Margaret A. Cunzio

Nancy E. Barr

Klaus R. Maher

Catherine F. Parker

David A. Jabrot

Cheryl

Tyler

Public Safety

Margaret A. Cunzio

Mary Jane Skimich

Nancy E. Barr

Cheryl

John

Tyler

FISCAL IMPACT STATEMENT

SUBJECT: Pris. Trans. Peekskill 2020-2021 NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND AIRPORT FUND SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 234,376

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: 35-1000-1000-4445

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: 2020- \$234,376 (to reimburse City of Peekskill for transporting Prisoners)

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: N/A

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

Current Year: N/A

Next Four Years: 2021-\$234,376

Prepared by: William Fallon *WF*

Title: Director of Administrative Services

Department: Correction

Date: January 20, 2021

Reviewed By: *[Signature]*

Budget Director

Date: 1/21/21

TO: Daniela Infield
Assistant County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM
Director of Environmental Planning



DATE: March 13, 2020

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR PRISONER
TRANSPORTATION INTERMUNICIPAL AGREEMENTS**

PROJECT/ACTION: Intermunicipal agreements between the County and local municipalities, whereby the County will reimburse the local municipality for costs incurred associated with the transport of prisoners to and from the local courthouse and the Westchester County Jail.

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required because the project/action:

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTION 617.5(c)():**

COMMENTS: None.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Norma Drummond, Commissioner
Claudia Maxwell, Associate Environmental Planner

ACT NO. 24 - 2021

AN ACT authorizing the County to enter into an Intermunicipal Agreement with the City of Peekskill in order to provide reimbursement for prisoner transportation to the Westchester County Jail.

BE IT ENACTED, by the County Board of Legislators of the County of Westchester, State of New York as follows:

Section 1. The County of Westchester (the “County”) be and hereby is authorized to enter into an Intermunicipal Agreement (“IMA”) with the City of Peekskill (“Peekskill”) in order to reimburse the municipality for the cost to transport prisoners round trip between Peekskill and the Westchester County Jail located at Valhalla, New York, at an annual cost not to exceed TWO HUNDRED THIRTY-FOUR THOUSAND THREE HUNDRED SEVENTY-SIX (\$234,376) DOLLARS for a total amount not to exceed FOUR HUNDRED SIXTY-EIGHT THOUSAND SEVEN HUNDRED FIFTY-TWO (\$468,752) DOLLARS, for the term January 1, 2020 through December 31, 2021.

§2. The County will reimburse Peekskill for the actual and reasonable costs for round trip prisoner transportation as follows:

Personnel: Reimbursement for personnel costs shall be calculated by multiplying the hourly wage that Peekskill reimburses its Police Officers, as indicated on Schedule “A” attached hereto and made a part hereof, by the number of hours, that such personnel are actually engaged in prisoner transportation duties up to a maximum of four (4) hours per round trip.

Mileage: Reimbursement for vehicle usage shall be at the current Internal Revenue Service mileage rate, between the City Court of Peekskill and the Westchester County Jail, which is agreed to be twenty (20) miles each way.

Meals: Reimbursement will be made for the actual and reasonable costs of meals provided to post-arraignment prisoners.

§3. The County Executive or his authorized designee be and hereby is authorized and empowered to execute instruments and take all action necessary and appropriate to accomplish the purposes hereof.

§4. This Act shall take effect immediately.

SCHEDULE "A"

PEEKSKILL REIMBURSEMENT

HOURLY RATE
(WAGES without FRINGE)

2020 and 2021:


POLICE OFFICER I \$54.25 per hour

POLICE OFFICER II \$81.38 per hour

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 24 - 2021, 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 February 8, 2021, and approved by the County Executive on February 10, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 12th day of February, 2021.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

