

**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 of Westchester ("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 Yonkers ("Yonkers") in order to reimburse an amount not to exceed \$552,117 to Yonkers for the term commencing January 1, 2020 and terminating December 31, 2021. This IMA will allow the County to reimburse Yonkers for the costs it incurs in transporting prisoners who have been arraigned to and from Yonkers and the Westchester County Jail located at Valhalla, New York.

Reimbursement to Yonkers will be at the monthly flat rate of: \$34,791.50 for the months of January and February 2020 and at the sixty (60%) percent reduced rate of \$20,874.90 for the months March through July 2020, for a total for the period January 1, 2020 through July 31, 2020 of \$173,957.50. These flat rates will include all expenses related to the transportation of prisoners, including, but not limited to, labor costs, mileage and prisoner meals.

For the period August 1, 2020 through December 31, 2021 reimbursement to Yonkers will be for round trip transportation and will be based on the per hour labor costs of Detention Officers which will be reimbursed at the rate of \$50 per hour per Detention Officer with a maximum of two hours per round trip. Yonkers will also be reimbursed for vehicle usage at the rate of fifty-eight cents (\$.58) per mile, or at the then

current Internal Revenue Service mileage reimbursement rate multiplied by the mileage to and from the Westchester County Jail which is agreed to be 16 miles each way. The County will also reimburse Yonkers for the actual and reasonable cost of meals provided to post-arraignment prisoners.

Your Committee is advised by the Department of Planning 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 pursuant to SEQRA. Your Committee concurs in this conclusion.

Your Committee has been advised that adoption of the annexed Act requires an affirmative vote of a majority of the voting strength of the Board.

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

Dated: *January 25, 2021*  
~~January 25, 2020~~  
White Plains, New York

*Benjamin Boyfunt*  
*K. J. Carroll*

*Catherine G.*  
*Benjamin Boyfunt*

COMMITTEE ON

C:DI 10/27/20

*Public Safety*

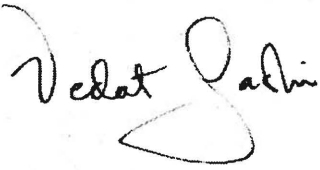
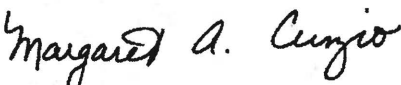
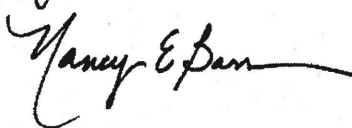

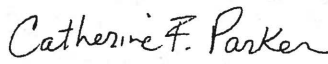
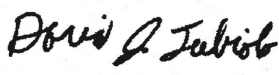

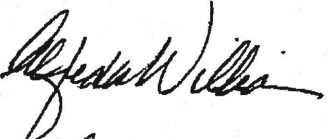

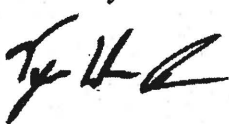
*Budget & Appropriations*

Dated: January 25, 2021  
White Plains, New York

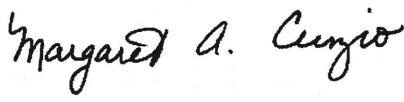




**The following members attended the meeting remotely, as per Governor Cuomo's Executive Order 202.1 and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.**

Committee(s) on:

**Budget & Appropriations**

**Public Safety**

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**

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**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)( ):**

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**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

# FISCAL IMPACT STATEMENT

SUBJECT: Pris. Trans. Yonkers 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      \$ 276,058

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-\_\$276,058 (to reimburse City of Yonkers 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-\$276,059

Prepared by:      William Fallon WF

*JSB*

Title:      Director of Administrative Services

Reviewed By:

*[Signature]*

Budget Director

Department:      Correction

Date:      October 29, 2020

Date:      11/6/20

**ACT NO. 12 - 2021**

**AN ACT** authorizing the County to enter into an Intermunicipal Agreement with the City of Yonkers 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 Yonkers (“Yonkers”) for the term commencing January 1, 2020 and terminating December 31, 2021 in an amount not to exceed \$552,117, in order to reimburse the municipality for the cost to transport prisoners round trip between Yonkers and the Westchester County Jail located at Valhalla, New York.

**§2.** For the period January 1, 2020 through February 28, 2020, the County will reimburse Yonkers at the monthly flat rate of \$34,791.50 and for the period March 1, 2020 through July 31, 2020 at the monthly flat rate of \$20,874.90 for a total of \$173,957.50. These flat rates shall include all expenses related to the transportation of prisoners including, but not limited to, labor costs, mileage and prisoner meals.

**§3.** For the period August 1, 2020 through December 31, 2021, the County will reimburse Yonkers 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 and fringe benefit costs to Yonkers for detention officers in the amount of \$50 per hour with a maximum of two hours per round trip.

**Mileage:** Reimbursement for vehicle usage between the City Court of Yonkers and the Westchester County Jail, which is agreed to be sixteen (16) miles each way, shall be at the rate of fifty-eight cents (\$.58) per mile, or at the then current Internal Revenue Service mileage reimbursement rate for the term of the IMA.

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

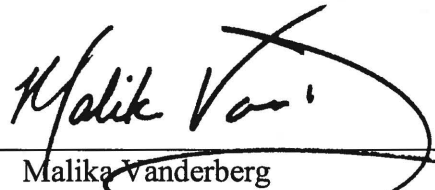
§4. The County Executive or his authorized designee be and hereby is authorized and empowered to execute instruments and take any and all action necessary and appropriate to accomplish the purposes hereof.

§5. This Act shall take effect immediately.

STATE OF NEW YORK )  
 )  
WESTCHESTER COUNTY ) ss.

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 12 - 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 12<sup>th</sup> day of February, 2021.

  
Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

