

**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 approval of an Act which, if approved, would authorize the County of Westchester (the "County") to renew an intermunicipal agreement ("IMA") with the City of White Plains (the "City"), whereby the County will continue to lease to the City a 2002 equipment response vehicle, as identified in Schedule "A" attached to the proposed Act submitted herewith (the "2002 ERV"), for an additional five (5) year term commencing retroactive to October 7, 2021.

By Act No. 2016-234 approved on July 18, 2016, your Honorable Board authorized the County to enter into an IMA with the City whereby the County would lease to the City a 2002 ERV for use by the City's Department of Public Safety when responding to calls within New York State Counter Terrorism Zone Three ("CTZ 3"), as well as in response to incidents in the City. The term of the IMA commenced on October 7, 2016 and expired on October 6, 2021. Act No. 2016-234 further provided that "[a]t the expiration of the IMA, the 2002 ERV will be transferred back to the County *or authorization for an agreement to continue with the arrangement will be pursued.*" (emphasis supplied).

Your Committee is advised that the lease of the 2002 ERV to the City has enhanced the overall safety and security of both the County and the City. For this reason, the parties now desire to renew the IMA for an additional five (5) year term. New York State General Municipal Law § 119-o (2)(j) authorizes municipalities to renew IMAs "upon conclusion of the terms established" in the original IMA.

Accordingly, authority is hereby requested for the County to renew the IMA with the City for the lease of the County's 2002 ERV, in "AS IS" condition, for an additional five (5) year term commencing retroactive to October 7, 2021 and continuing through October 6, 2026 (the "Renewal Term"). In consideration for the lease of the 2002 ERV during the Renewal Term, the City will pay the County the sum of One (\$1.00) Dollar and, as additional consideration, will man, operate, repair and maintain the 2002 ERV to respond to calls within CTZ-3 and for responses to incidents in the City. As it did under the original IMA, the City will continue to register the 2002 ERV and maintain insurance naming the County as additional insured. The City will also continue to indemnify, hold

harmless and defend the County against any claims resulting from its use and/or maintenance of the 2002 ERV. Title to the 2002 ERV shall remain with the County.

The Planning Department has advised that the proposed IMA renewal 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.

It should be noted that an affirmative vote of a majority of the voting strength of your Honorable Board is required in order to adopt the proposed Act. Your Committee has carefully considered the annexed proposed Act and recommends its adoption.

Dated: February 7, 2022
White Plains, New York

Robert Galvin
Sgt. J. D.
Colin O'Connell
James J. Kelly
P. R. Mc

Colin O'Connell

Budget & Appropriations
COMMITTEE ON

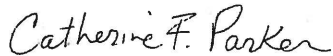
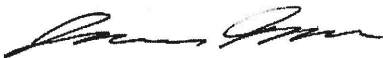
Public Works & Transportation

Dated: February 7, 2022
White Plains, New York

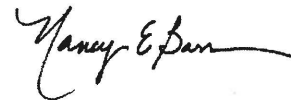
The following members attended the meeting remotely, pursuant to Chapter 417 of New York State Laws of 2021, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Budget & Appropriations



Public Works & Transportation



FISCAL IMPACT STATEMENT

SUBJECT: Lease Vehicle to White Plains 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 \$ -

Total Current Year Revenue \$ 1

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

Additional Appropriations Other (explain)

Identify Accounts: An Act authorizing the County to lease a 2002 Equipment Response Vehicle to the City of White Plains for \$1 per year for a 5-year term.

Potential Related Operating Budget Expenses: Annual Amount \$0.00

Describe: City of White Plains Department of Public Safety will lease a 2002 Equipment Response Vehicle from the County for \$1 per year for a 5-year term.

Potential Related Operating Budget Revenues: Annual Amount \$0.00

Describe: _____

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

Current Year: \$1

Next Four Years: \$1 per year for the next four (4) years.

Prepared by: Siva Gopalkrishna

Title: Director of Administrative Services

Department: Public Safety

Date: January 7, 2022

Reviewed By: 

Budget Director

Date: 1/14/22

AN ACT authorizing the County of Westchester to renew an intermunicipal agreement with the City of White Plains pursuant to which the County will continue to lease to the City a 2002 equipment response vehicle for an additional five-year term commencing retroactive to October 7, 2021.

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

Section 1. The County of Westchester (the “County”) is hereby authorized to renew an intermunicipal agreement (“IMA”) with the City of White Plains (the “City”) whereby the County will continue to lease to the City a 2002 equipment response vehicle, as identified in Schedule “A”, attached hereto and made a part hereof (the “2002 ERV”), for use by the City’s Department of Public Safety when responding to calls within New York State Counter Terrorism Zone -3 (“CTZ-3”) and also for responses to incidents within the City.

§2. The County shall continue to lease the 2002 ERV to the City in “AS IS” condition. In consideration for the City’s continued use of the 2002 ERV, the City shall pay the County the sum of One (\$1.00) Dollar and, as additional consideration, shall man, operate, repair and maintain the 2002 ERV to respond to calls within CTZ- 3 and for responses to incidents in the City. The City shall continue to register the 2002 ERV and maintain insurance naming the County as additional insured. The City shall also continue to indemnify, hold harmless and defend the County against any claims resulting from its use and/or maintenance of the 2002 ERV. Title to the 2002 ERV shall remain with the County.

§3. The IMA renewal shall be for a five (5) year term commencing retroactive to October 7, 2021 and will continue through October 6, 2026. At the expiration of the IMA renewal, the 2002 ERV will be transferred back to the County or authorization for an agreement to continue with the arrangement will be pursued.

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

§5. This Act shall take effect immediately.

SCHEDULE "A"

DESCRIPTION OF VEHICLE TO BE LEASED

MAKE: SAULSBURY

MODEL: CYCLONE II 99

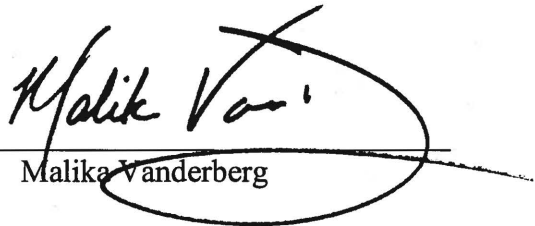
YEAR: 2002

VIN # 4EN3BCA8821005702

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 9 - 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 February 7, 2022, and approved by the County Executive on February 9, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 11th day of February, 2022.



The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

