

Westchester County

George Latimer
County Executive

July 28, 2023

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your consideration and approval is an act (the "Act") which, if adopted, would authorize the County of Westchester ("County"), acting by and through its Department of Public Safety ("Department"), to further amend an intermunicipal agreement ("IMA") with the North Salem Central School District ("District"), pursuant to which the County agreed to assign one (1) uniformed police officer to serve as a School Resource Officer ("SRO") for the District for the period from September, 2019 through June, 2024, as well as a second SRO (the "Second SRO") for the period from March 17, 2023 through June, 2023, in order to extend the services of the Second SRO for the period from September 6, 2023 through June 23, 2024.

By Act No. 2019-110, your Honorable Board authorized the County, through the Department, to enter into an IMA with the District pursuant to which the County would assign one (1) uniformed police officer to serve as an SRO at the District's Middle/High School and at times at the District's Pequenakonck Elementary School, for a term commencing upon the opening day of school in September, 2019 and continuing through the last day of school in June, 2024, on days when school is in session.

In consideration for services rendered by the SRO under the IMA, the District agreed to pay the County as follows:

- (i) for the 2019/2020 School Term, a total amount of One Hundred and Forty-Nine Thousand Four Hundred Twenty-Seven (\$149,427.00) Dollars, payable in two installments of \$74,713.50 each;
- (ii) for the 2020/2021 School Term, a total amount of One Hundred and Fifty-Three Thousand Five Hundred Thirty-Six (\$153,536.00) Dollars, payable in two installments of \$76,768.00 each;
- (iii) for the 2021/2022 School Term, a total amount of One Hundred and Fifty-Seven Thousand Seven Hundred Fifty-Nine (\$157,759.00) Dollars, payable in two installments of \$78,879.50 each
- (iv) for the 2022/2023 School Term, a total amount of One Hundred and Sixty-Two Thousand Ninety-Seven (\$162,097.00) Dollars, payable in two installments of \$81,048.50 each; and
- (v) for the 2023/2024 School Term, a total amount of One Hundred and Sixty-Six Thousand Five Hundred Fifty-Five (\$166,555.00) Dollars, payable in two installments of \$83,277.50 each.

Thereafter, by Act No. 2023-51, your Honorable Board authorized the County, through the Department, to amend the IMA in order to, *inter alia*, provide the services of a Second SRO to be permanently assigned to the District's Pequenakonck Elementary School for the period from March 17, 2023 through June, 2023. In consideration for the services rendered by the Second SRO for said period, the District agreed to pay the County the additional sum of \$54,933.00, payable in one lump sum concurrently with the second installment payment for the 2022/2023 school term. Act No. 2023-51 further provided that the District, at its option, could extend the services of the Second SRO for the 2023/24 school term, by giving the Department sixty (60) days prior written notice of its intention to do so, subject to the further approval of your Honorable Board. On July 14, 2023, the District notified the Department of its desire to extend the services of the Second SRO for the 2023/24 school term.

Accordingly, authority of your Honorable Board is respectfully requested to further amend the IMA with the District in order to extend the services of the Second SRO for the period from September 6, 2023 through June 23, 2024 (the "Extension Period"). In consideration for services rendered by the Second SRO during the Extension Period, the District will pay the County the *additional* sum of One Hundred Sixty-Six Thousand Five Hundred Fifty- Five (\$166,555.00) Dollars, payable in two (2) equal installments of Eighty-Three Thousand Two Hundred Seventy-Seven and 50/100 (\$83,277.50) Dollars each, in accordance with the payment provisions set forth in Section "4" of the IMA.

The Planning Department has advised that based on its review, the proposed amendment to the IMA does 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 12, 2023, which is on file with the Clerk of the Board of Legislators.

I believe the proposed amendment to the IMA with the District is in the best interests of the County and, therefore, recommend your favorable action on the annexed proposed Act.

Sincerely,


George Latimer
County Executive

GL/TR/jpg
Attachments

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER, NEW YORK**

Your Committee is in receipt of a communication from the County Executive recommending the approval of an act (the “Act”) which, if adopted, would authorize the County of Westchester (“County”), acting by and through its Department of Public Safety (“Department”), to further amend an intermunicipal agreement (“IMA”) with the North Salem Central School District (“District”), pursuant to which the County agreed to assign one (1) uniformed police officer to serve as a School Resource Officer (“SRO”) for the District for the period from September, 2019 through June, 2024, as well as a second SRO (the “Second SRO”) for the period from March 17, 2023 through June, 2023, in order to extend the services of the Second SRO for the period from September 6, 2023 through June 23, 2024.

Your Committee is advised that by Act No. 2019-110, your Honorable Board authorized the County, through the Department, to enter into an IMA with the District pursuant to which the County would assign one (1) uniformed police officer to serve as an SRO at the District’s Middle/High School and at times at the District’s Pequenakonck Elementary School, on the days that school is in session, for the term of the IMA.

In consideration for services rendered by the SRO under the IMA, the District agreed to pay the County as follows:

- (i) for the 2019/2020 School Term, a total amount of One Hundred and Forty-Nine Thousand Four Hundred Twenty-Seven (\$149,427.00) Dollars, payable in two installments of \$74,713.50 each;
- (ii) for the 2020/2021 School Term, a total amount of One Hundred and Fifty-Three Thousand Five Hundred Thirty-Six (\$153,536.00) Dollars, payable in two installments of \$76,768.00 each;
- (iii) for the 2021/2022 School Term, a total amount of One Hundred and Fifty-Seven Thousand Seven Hundred Fifty-Nine (\$157,759.00) Dollars, payable in two installments of \$78,879.50 each
- (iv) for the 2022/2023 School Term, a total amount of One Hundred and Sixty-Two Thousand Ninety-Seven (\$162,097.00) Dollars, payable in two installments of \$81,048.50 each; and
- (v) for the 2023/2024 School Term, a total amount of One Hundred and Sixty-Six Thousand Five Hundred Fifty-Five (\$166,555.00) Dollars, payable in two installments of \$83,277.50 each.

Thereafter, by Act No. 2023-51, your Honorable Board authorized the County, through the Department, to amend the IMA in order to, *inter alia*, provide the services of a Second SRO to be permanently assigned to the District's Pequenakonck Elementary School for the period from March 17, 2023 through June, 2023. In consideration for the services rendered by the Second SRO for said period, the District agreed to pay the County the additional sum of \$54,933.00, payable in one lump sum concurrently with the second installment payment for the 2022/2023 school term. Act No. 2023-51 further provided that the District, at its option, could extend the services of the Second SRO for the 2023/24 school term, by giving the Department sixty (60) days prior written notice of its intention to do so, subject to the further approval of your Honorable Board. On July 14, 2023, the District notified the Department of its desire to extend the services of the Second SRO for the 2023/24 school term.

Accordingly, authority of your Honorable Board is respectfully requested to further amend the IMA with the District in order to extend the services of the Second SRO for the period from September 6, 2023 through June 23, 2024 (the "Extension Period"). In consideration for services rendered by the Second SRO during the Extension Period, the District will pay the County the *additional* sum of One Hundred Sixty-Six Thousand Five Hundred Fifty- Five (\$166,555.00) Dollars, payable in two (2) equal installments of Eighty-Three Thousand Two Hundred Seventy-Seven and 50/100 (\$83,277.50) Dollars each, in accordance with the payment provisions set forth in Section "4" of the IMA.

Except as specifically amended hereby, all remaining terms and conditions of the IMA shall remain in full force and effect.

The Planning Department has advised that based on its review, the proposed amendment to the IMA does 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 12, 2023, which is on file with the Clerk of the Board of Legislators.

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

Your Committee has carefully considered the proposed Act and recommends your Honorable Board's favorable action thereon.

Dated: _____, 2023

White Plains, New York

jpg/7-14-23

COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: School Resource Officer - North Salem 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 \$ 166,555

Total Current Year Revenue \$ 166,555

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

Additional Appropriations

Other (explain)

Identify Accounts: 38-2000-1010/9230. Amended to extend the services of the second uniformed police officer to act as School Resource Officer for the District, effective 9/6/2023 to 6/23/2024

Potential Related Operating Budget Expenses: Annual Amount \$0

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount \$0

Describe: \$0 _____

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

Current Year: \$0 _____

Next Four Years: \$0 _____

Prepared by: Siva Gopalkrishna

Title: Director of Administrative services

Department: Public Safety

Date: July 18, 2023

Reviewed By: 
Budget Director

Date: 7/20/23

ACT NO. 2023 - _____

An ACT authorizing the County of Westchester to further amend an intermunicipal agreement with the North Salem Central School District in order to extend the term of a second School Resource Officer from September 6, 2023 through June 23, 2024.

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

Section 1. The County of Westchester (“County”), acting by and through its Department of Public Safety (“Department”), is hereby authorized to amend an intermunicipal agreement (“IMA”) with the North Salem Central School District (“District”), as previously amended, pursuant to which the County agreed to assign one (1) uniformed police officer to serve as a School Resource Officer (“SRO”) for the District at the District’s Middle/High School and at times at the District’s Pequenakonck Elementary School, for a term commencing on the first day of school in September, 2019 and continuing through the last day of school in June, 2024, on days that school is in session, as well as a second SRO (the “Second SRO”) assigned to the District’s Pequenakonck Elementary School, for the period from March 17, 2023 through June, 2023, at rates agreed upon by the parties, in order to extend the services of the Second SRO for the period from September 6, 2023 through June 23, 2024 (the “Extended Term”).

§2. During the Extended Term, the Second SRO shall continue to provide the services described in the IMA, as amended (the “Services”).

§3. In consideration for Services to be rendered by the Second SRO during the Extended Term, the District shall pay the County the additional sum of One Hundred Sixty-Six Thousand Five Hundred Fifty-Five (\$166,555.00) Dollars, payable in two (2) equal installments of Eighty-Three Thousand Two Hundred Seventy-Seven and 50/100 (\$83,277.50) Dollars each, in accordance with the payment provisions set forth in Section “4” of the IMA.

§4. Except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the IMA, as amended, shall remain in full force and effect upon the parties.

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

§6. This Act shall take effect immediately.

THIS SECOND AMENDMENT made this ___ day of _____, 2023 by and between:

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (hereinafter referred to as the “County”) acting by and through the Westchester County Department of Public Safety Services (hereinafter referred to as the “Department”)

and

NORTH SALEM CENTRAL SCHOOL DISTRICT having an office and place of business at 230 June Road, North Salem, NY 10560 (hereinafter referred to as the “District”),

together, the “Parties”

WHEREAS, pursuant to New York State Education Law Section 2801-a, a school district is required to develop a comprehensive school safety plan and as part of such a plan include prevention and intervention strategies such as entering into collaborative arrangements with state and local law enforcement officers designed to ensure school safety officers and other security personnel are trained to, among other things, de-escalate potentially violent situations; and

WHEREAS, on July 3, 2019, the County and the District entered into an intermunicipal agreement (the “IMA”) pursuant to which the County, through the Department, agreed to provide the services of one (1) uniformed County Police Officer to serve as a School Resource Officer (“SRO”) for the District at the District’s Middle/High School and at times be scheduled to work at the Pequenakonck Elementary School (the “Schools”), for a five (5) year term commencing upon the opening of school in September, 2019 and continuing through the last day of school in June, 2024 (the “IMA Term”) during the school term, at the annual rates (payable in two installments), set forth in the IMA; and

WHEREAS, on March 6, 2023, the parties entered into a First Amendment to the IMA in order to: (i) add one (1) additional SRO to the District (the “Second SRO”) beginning on March 17, 2023 and continuing through June, 2023, (ii) expand the list of duties each SRO would be responsible for going forward, (iii) include a Data Privacy Plan and Parents’ Bill of Rights, and (iv) provide substitute personnel to patrol the Schools in the event an SRO is absent for more than three (3) consecutive school days, instead of five (5) consecutive school days, as was required under the original IMA (the “First Amendment”); and

WHEREAS, the First Amendment further provided that the District, at its option, may elect to extend the services of the Second SRO for the 2023/24 school term by giving the Department no less than sixty (60) days prior written notice of its intention to do so; and

WHEREAS, on Friday, July 14, 2023, the District notified the Department that it would like to extend the services of the Second SRO for the 2023/24 school year; and

WHEREAS, the Parties now desire to further amend the IMA in order to extend the services of the Second SRO for the period commencing on September 6, 2023 and continuing through the end of the 2023/24 school term on June 23, 2024.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the IMA is hereby amended as follows:

1. The above recitals are hereby incorporated by reference into the body of this Second Amendment.

2. For the period commencing on September 6, 2023 and continuing through June 23, 2024 (the "Extension Period"), the County shall assign the Second SRO to the District's Pequenakonck Elementary School during days that school is in session.

3. The services to be performed by the Second SRO during the Extension Period shall be as described in the IMA, as amended by the First Amendment (the "Services").

4. In consideration for the Services to be rendered by the Second SRO during the Extension Period, the District shall pay the County the *additional* sum of ONE HUNDRED SIXTY-SIX THOUSAND FIVE HUNDRED FIFTY-FIVE (\$166,555.00) DOLLARS, payable in two (2) equal installments of Eighty-Three Thousand Two Hundred Seventy-Seven and 50/100 (\$83,277.50) Dollars each, in accordance with the payment provisions set forth in Section "4" of the IMA.

5. Except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the IMA, as amended by the First Amendment, shall remain in full force and effect upon the Parties.

6. This Second Amendment shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment on the day and year first above written.

THE COUNTY OF WESTCHESTER

By _____
Terrance Raynor
Acting Commissioner – Sheriff
Department of Public Safety

**NORTH SALEM CENTRAL SCHOOL
DISTRICT**

By _____
Name:
Title:

Approved by the Westchester County Board of Legislators by Act No ____ - 2023 at a meeting duly held on the ____ day of _____, 2023

Approved by the North Salem Central School District by Resolution No. _____ adopted at a meeting duly held on the _____ day of _____, 2023.

Approved:

Sr. Assistant County Attorney
County of Westchester
S/G/DPS/NORTH SALEM SRO 2nd Amendment

Date

DRAFT

DISTRICT'S ACKNOWLEDGEMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On this ____ day of _____, 2023, before me personally came _____, to me known, and known to me to be the _____ of _____, the municipal corporation described in and which executed the within instrument, who being by me duly sworn did depose and say that he/she, the said _____ resides at _____ and that he/she is the _____ of said municipal corporation.

Notary Public Westchester County

CERTIFICATE OF AUTHORITY

(District)

I, _____, certify that I am the
(Officer other than officer signing contract)

_____ of the _____
(Title) (Name of District)

(the "District") a corporation duly organized in good standing under the _____

_____ *(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)*

named in the foregoing agreement that _____ who signed said
(Person executing agreement)

agreement on behalf of the District was, at the time of execution _____ of
(Title of such person),

the District, that said agreement was duly signed for on behalf of said District by
authority of its _____ thereunto duly authorized,
(Town Board, Village Board, City Council)

and that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

On this ___ day of _____, 2023, before me personally came _____
_____ whose signature appears above, to me known, and know to be the
_____ of _____,
(Title)

the municipal corporation described in and which executed the above certificate, who being by
me duly sworn did depose and say that he, the said _____
resides at _____, and that
he/she is the _____ of said municipal corporation.
(Title)

Notary Public County