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**92209**

**TO:** The Honorable Board of Acquisition and Contract

**FROM:** Tajian M. Nelson & Douglas A. Colety  
Commissioners of the Board of Elections

**DATE:** March 25, 2022

**RE:** Resolution authorizing the County of Westchester to agree to hold harmless and indemnify the Hendrick Hudson School District, owner of a polling place to be used by the County in connection with the upcoming primary, general and special elections in 2022.

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The County of Westchester (the "County"), acting by and through its Board of Elections ("Board of Elections"), uses many non-County owned facilities (such as schools, houses of worship and municipal buildings) as polling places in order to conduct Primary, Special and General Elections. The Board of Elections has advised that the Hendrick Hudson School District, the owner of the Blue Mountain School ("Hendrick Hudson"), has requested that the County agree to indemnify them, in writing, for any damage and/or injury that may result from the County's usage of their property as a polling place in connection with the upcoming primary, special and general elections in 2022.

If authorized by your Honorable Board, the attached resolution would authorize the County to agree as follows:

"The County of Westchester hereby agrees to defend, indemnify and save harmless the Hendrick Hudson School District from and against any and all liability, loss, damages, claims for bodily injury and or property damages, cost and expense including counsel fees, to the extent permissible by law, arising out of the use of the Blue Mountain School by the above named organization, its agents, servants, employees and or its students."

The public purpose, as well as the goal and objective of this resolution, is to allow the Board of Elections to carry out its statutory duties in connection with all upcoming 2022 elections and to ensure that polling places are available to enable all eligible County residents to exercise their right to vote.

As we believe this to be in the best interests of the County, and necessary for the Board of Elections to carry out its statutory duties in connection with the upcoming elections, we most respectfully recommend and urge the adoption of the annexed Resolution.

TMN/DAC/di

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/05/2022 - RAYMOND SCULKY, SECRETARY

## RESOLUTION

Upon a communication of the Commissioners of the Board of Elections, be it hereby

**RESOLVED**, that the County of Westchester is hereby authorized to enter into an agreement with the Hendrick Hudson School District to utilize the Blue Mountain School as a polling place for the primary, special and general elections in 2022 which provides as follows:

“The County of Westchester hereby agrees to defend, indemnify and save harmless the Hendrick Hudson School District from and against any and all liability, loss, damages, claims for bodily injury and or property damages, cost and expense including counsel fees, to the extent permissible by law, arising out of the use of the Blue Mountain School by the above named organization, its agents, servants, employees and or its students.”

; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute all appropriate contracts or documents necessary to effectuate the purposes of this resolution in the manner prescribed by law.

Account to be Charged/credited	Fund	Dept	Major Program Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars

Budget Funding Year(s) \_\_\_\_\_ Start Date 3/25/2022 End Date 12/31/22  
(must match resolution)

Funding Source Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

\$ 0 Federal Aid \_\_\_\_\_

(must match resolution)

Other \_\_\_\_\_