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## Onbase #110256

**TO:** Board of Acquisition and Contract

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

**DATE:** January 8, 2025

**SUBJECT:** Resolution authorizing the County of Westchester (the "County") to agree to hold harmless and indemnify owners of any and all polling places to be used by the County in connection with the upcoming 2025 Elections

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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, fire houses and municipal buildings) as polling places in order to conduct Primary, Special and General Elections. The Board of Elections has advised that owners of certain polling places (collectively the "Polling Place Property Owners") have 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 polling places in connection with the upcoming 2025 Primary, Special and General Elections.

If authorized by your Honorable Board, the attached resolution would authorize the County to agree to defend, indemnify and hold harmless the Polling Place Property Owners by agreeing to a provision similar to the following: that, except for the amount, if any, of damage contributed to, caused by or resulting from the negligent acts or omissions of the Polling Place Property Owners, the County shall defend, indemnify and hold harmless the Polling Place Property Owners, from any and all liability loss, claims, or actions, (including costs and reasonable attorneys' fees) for bodily injury, or damage to property, to the extent permissible by law, arising out of the County's use of the polling places for all upcoming 2025 Primary, Special and General Elections.

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 2025 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 2025 Elections, we most respectfully recommend and urge the adoption of the annexed Resolution.

TMN/DAC/rn

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/16/2025 - 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 agree, in writing, to defend, indemnify and hold harmless the owners of any and all polling places to be used by the County in connection with all 2025 Elections with by agreeing to a provision similar to the following:

“the County of Westchester ("County") agrees that, except for the amount, if any, of damage contributed to, caused by or resulting from the negligent acts or omissions of the Indemnitee, the County shall defend, indemnify and hold harmless the Indemnitee, from any and all liability loss, claims, or actions, (including costs and reasonable attorneys' fees) for bodily injury, or damage to property, to the extent permissible by law, arising out of or in connection with the permission herein granted.”

; 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 YEAR	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	14	1000	4380		

**Budget Funding Year(s)** 2025      **Start Date:** January 1, 2025      **End Date:** December 31, 2025  
(must match resolution)

**Funding Source:**      **Tax Dollars** \_\_\_\_\_  
    **State Aid** \_\_\_\_\_  
    **Federal Aid** \_\_\_\_\_  
    **Other** \_\_\_\_\_

**Contractor Federal I.D. No./**  
**Social Security No.:** \_\_\_\_\_  
  
**Vendor No.:** \_\_\_\_\_  
**Encumbrance No.:** \_\_\_\_\_

\$ \_\_\_\_\_  
(must match resolution)