



George Latimer
County Executive

Department of Probation

Rocco A. Pozzi
Commissioner

Onbase: 109898

DATE: October 30, 2024

TO: The Honorable Board of Acquisition and Contract

FROM: Rocco A. Pozzi
Commissioner, Department of Probation

SUBJECT: Authority to enter into a permit agreement with the New York State Unified Court System for the County of Westchester to use the New York State's Ninth Judicial District court facilities to provide Treatment Group sessions to its probationers and obtain the services of one Court supervisor and two Court officers, outside of regular business hours, for a term commencing on January 1, 2025 and terminating on December 31, 2025, for an amount not to exceed \$110,000.00, payable pursuant to an approved budget, and to indemnify and hold harmless the New York State Unified Court System.

Authority is requested from your Honorable Board for the County of Westchester (the "County"), acting by and through its Department of Probation (the "Department"), to enter into a permit agreement (the "Agreement") with New York State Unified Court System (the "NYS Court System"), pursuant to which the County will use the New York State's Ninth Judicial District court facilities to provide Treatment Group sessions to its probationers and obtain the services of one (1) Court supervisor and two (2) Court officers, outside of regular business hours, for a term commencing on January 1, 2025 and terminating on December 31, 2025, for an amount not to exceed \$110,000.00, payable pursuant to an approved budget.

The Agreement will require the County to indemnify the NYS Court System as follows:

"The County does hereby covenant and agree with Court System that it will indemnify and save harmless Court System from and against any final judgment from a court of competent jurisdiction for injury to person or property to the extent attributable to the negligence of County or of its officers, employees, agents or elected officials."

The goal and objective of the proposed Agreement is to reduce recidivism and increase the likelihood of probationers remaining free of criminal activity or conflict at home, in the workplace and in the community.

The proposed Agreement is in the County's best interests because it will reduce the likelihood of recidivism.

The Agreement is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3(b) thereof, which exempts real property leases, licenses and concessions.

As I believe this Agreement to be in the best interests of the County, I most respectfully urge your Honorable Board to approve the attached resolution.

RAP/cmc
Enclosure

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/20/2024 - RAYMOND SCULKY, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Probation, be it hereby

RESOLVED, that the County of Westchester (the “County”), acting by and through its Department of Probation, is authorized to enter into a permit agreement (the “Agreement”) with New York State Unified Court System (the “NYS Court System”), for use of New York State’s Ninth Judicial District court facilities by the County to provide Treatment Group sessions to its probationers and obtain the services of one (1) Court supervisor and two (2) Court officers, outside of regular business hours, for a term commencing on January 1, 2025 and terminating on December 31, 2025, for an amount not to exceed \$110,000.00; and be it further

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RESOLVED, that the Agreement is subject to County appropriations; and be it further

RESOLVED, that the proposed Agreement is also subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of the Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate the Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the NYS Court System, then the NYS Court System shall have the right to terminate the Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute the above agreement on behalf of the County of Westchester; and to take all other action necessary to effectuate the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
101	39	1000	4380		\$110,000.00

Budget Funding Year(s) 2025 Start Date 01/01/2025 End Date 12/31/2025
 (must match resolution)

Funding Source Tax Dollars \$110,000.00
 State Aid _____
\$110,000.00 Federal Aid _____
 must match resolution) Other _____