

#102996

Date: July 24, 2023

To: The Honorable Board of Acquisition and Contract

From: Terrance Raynor
Acting Commissioner-Sheriff of Public Safety

RE: Resolution authorizing the County of Westchester to:

- 1) Further amend an agreement with the New York State STOP-DWI Foundation pursuant to which the Foundation agreed to reimburse the County in an amount not-to-exceed \$61,000.00 to run special enforcement details to conduct high visibility road checks, saturation patrols, and drug recognition expert call outs for a term commencing on October 1, 2022 and continuing through September 30, 2023, in order to increase the amount of the funding by an additional \$20,000.00, from \$61,000.00 to \$81,000.00; and
- 2) Amend a Resolution approved on October 13, 2022 which, *inter alia*, authorized the County to enter into agreements with one or more Westchester County municipal corporations, through their respective police departments, to implement the provisions of the New York State STOP-DWI Foundation's reimbursement agreement by running special enforcement details to conduct high visibility road checks, saturation patrols, and drug recognition expert call outs, for the period from October 1, 2022 through September 30, 2023 in a total aggregate amount not-to-exceed \$41,000.00, in order to reflect an increase in the total funding amount from \$41,000.00 to \$81,000.00.

By resolution approved on October 13, 2022 (the "October 13th Resolution"), your Honorable Board authorized the County of Westchester, acting by and through the Department of Public Safety (the "Department"), STOP-DWI Office (the "STOP DWI Office"), to enter into an agreement with the New York State STOP-DWI Foundation, a not-for-profit agency (the "Foundation"), pursuant to which the Foundation would reimburse the County in an amount not-to-exceed \$41,000.00 in High Visibility Enforcement Campaign ("HVEC") funding to be used to run special enforcement details to conduct high visibility road checks, saturation patrols, and drug recognition expert call outs for a term commencing on October 1, 2022 and continuing through September 30, 2023 (the "Reimbursement Agreement"). The October 13th Resolution further authorized the County to enter into agreements with one or more Westchester County municipal corporations, through their respective police departments, to implement the HVEC program for the period from October 1, 2022 through September 30, 2023 in a total aggregate amount not-to-exceed \$41,000.00, payable based upon the number of hours of participation of each municipal police department (the "Enforcement Agreements"). Both the Reimbursement Agreement and the Enforcement Agreements were subsequently executed.

Thereafter, by resolution approved on April 6, 2023, your Honorable Board authorized the County to amend the Reimbursement Agreement by increasing the not-to-exceed amount authorized thereunder by an additional \$20,000.00, from an amount not-to-exceed \$41,000.00, to a new amount not-to-exceed \$61,000.00 (the "First Amendment to the Reimbursement Agreement"). the First Amendment to the Reimbursement Agreement was subsequently executed.

Thereafter, by letter dated July 19, 2023, the STOP DWI Office was notified by the Foundation that effective July 19, 2023, the Foundation would further increase the County's allotted HVEC funding under the Reimbursement Agreement by an additional \$20,000.00, from an amount not-to-exceed \$61,000.00 to a new total amount not-to-exceed \$81,000.00. Accordingly, authority is now requested to further amend the Reimbursement Agreement with the Foundation pursuant to which the Foundation agreed to reimburse the County an amount not-to-exceed \$61,000.00 in HVEC funding for a term commencing on October 1, 2022 and continuing through September 30, 2023, by further increasing the not-to-exceed amount authorized thereunder by an additional \$20,000.00, from an amount not-to-exceed \$61,000.00 to a new amount not-to-exceed \$81,000.00.

Authority is further requested to amend the October 13th Resolution, which. *inter alia*, authorized the County to enter into the Enforcement Agreements for the period from October 1, 2022 through September 30, 2023 in a total aggregate amount not-to-exceed of \$41,000.00, payable based upon the number of hours of participation of each municipal police department, in order to reflect a \$40,000.00 increase in the total amount of HVEC funding allocated for all police departments under the Enforcement Agreements, from an aggregate amount not-to-exceed \$41,000.00 to a new aggregate amount not-to-exceed \$81,000.00.

Except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the Reimbursement Agreement shall remain in full force and effect. Except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the October 13th Resolution shall remain in full force and effect.

The Reimbursement Agreement with the Foundation does not constitute a procurement and as such is not subject to the requirements of the County Procurement Policy. The Enforcement Agreements with the various municipalities are exempt under Section 3(a) iii of the County Procurement Policy.

It should be noted that since the County is merely acting as a **pass-through** of Foundation funds and not on a cooperative or joint basis with the police departments, the proposed Enforcement Agreements do not constitute intermunicipal agreements and, as such, do not require approval by the Westchester County Board of Legislators.

The goals and objectives of the HVEC program are to reduce the number of deaths and injuries in the County caused by intoxicated or drugged drivers. The HVEC program is in the public's best interest as it will reduce the number of DWI and drugged driving deaths and injuries. The Department will monitor these agreements by reviewing the reports submitted by the municipalities to the STOP-DWI Office to ensure that all procedures are in compliance with the stipulations set forth in the agreement.

I certify that my department, a) has copies of, or access to all applicable laws, rules, regulations, reimbursement applications, and the Reimbursement Agreement (including any master

agreement), as well as any guidance or instructions received from the Foundation, b), has reviewed the terms of the Reimbursement Agreement, c) is aware of and understands all of the High Visibility Engagement Campaign Terms, and d) can and will comply with all of the Special Enforcement Program Terms.

Based upon the foregoing, I most respectfully recommend approval of the attached Resolution.

TR/PMT/jpg
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/21/2023 - RAYMOND SCULKY, SECRETARY

RESOLUTION

Upon a communication from Commissioner-Sheriff of Public Safety, be it hereby

RESOLVED, that the County of Westchester (the “County”), acting by and through the Department of Public Safety (the “Department”), STOP-DWI Office (“STOP DWI Office”), is authorized to further amend an agreement with the New York State STOP-DWI Foundation, a not-for-profit agency (the “Foundation”), pursuant to which the Foundation agreed to reimburse the County an amount not-to-exceed \$61,000.00 in High Visibility Enforcement Campaign (“HVEC”) funding to be used to run special enforcement details to conduct high visibility road checks, saturation patrols, and drug recognition expert call outs for a term commencing on October 1, 2022 and continuing through September 30, 2023 (the “Reimbursement Agreement”), in order to increase the funding amount under the Reimbursement Agreement by an additional \$20,000.00, from an amount not-to-exceed \$61,000.00, to a new total amount not-to-exceed \$81,000.00; and be it further

RESOLVED, that the Resolution approved on October 13, 2022 (the “October 13th Resolution”), which, *inter alia*, authorized the County, acting by and through the Department, through its STOP-DWI Office, to enter into agreements (the “Enforcement Agreements”), with one or more Westchester County municipal corporations through their respective police departments (the “Municipalities”), to implement the provisions of the HVEC program for the period from October 1, 2022 through September 30, 2023 in an aggregate amount not-to-exceed \$41,000.00, payable by the County to the respective Municipalities based upon the *actual* number of hours the local police departments participate in the program, is hereby amended by reflecting a \$40,000.00 increase in the total aggregate amount of funding allocated to the Municipalities under the Enforcement Agreements, from an amount not-to-exceed \$41,000.00, to a new aggregate amount not-to-exceed \$81,000.00; and be it further

RESOLVED, that except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the Reimbursement Agreement shall remain in full force and effect; and be it further

RESOLVED, that except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the October 13th Resolution shall remain in full force and effect; and be it further

RESOLVED, that the County Executive or his authorized designee is authorized and empowered to execute and deliver all instruments and take all action necessary and appropriate to effectuate the purposes hereof.

Account to be
Charged/Credited

| Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub- Object | Trust Account | Dollars |
|------|------|--|---------------------------|------------------|------------|
| 711 | 71 | 009X/009Y | 8500 | T009 | 20,000.00* |
| | | | | | |
| | | | | | |

* These are **PASS-THROUGH FUNDS**

Budget Funding Year(s) 2022-2023 Start Date: 10/1/2022 End Date: 09/30/2023(must match resolution)

| | |
|-------------------------|---------------------------|
| Funding Source | Tax Dollars _____ |
| | State Aid: _____ |
| <u>\$20,000.00</u> | Federal Aid _____ |
| (must match resolution) | Other: <u>\$20,000.00</u> |

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