

RESOLUTION NO. 408

AUTHORIZING A USE AGREEMENT BETWEEN ALBANY COUNTY AND THE CAPITAL DISTRICT YOUTH CENTER, INC. (CDYCI) REGARDING THE CAPITAL DISTRICT JUVENILE SECURE YOUTH DETENTION FACILITY

Introduced: 9/12/2018

By Social Services Committee and Ms. McKnight:

WHEREAS, Pursuant to Article 3 of the Family Court Act of the State of New York, as well as the recently enacted Raise the Age legislation, it is the County's duty and responsibility to provide secure detention services for juvenile delinquents who are under court orders, and

WHEREAS, by Resolution 292 for 1996 the Albany County Legislature approved the creation of the CDYCI to acquire, construct, equip, and finance a regional juvenile detention facility for the counties of Albany, Rensselaer, Saratoga, and Schenectady, and

WHEREAS, through a lease agreement dated February 1, 1997 (the "Lease"), the County of Albany entered into an agreement with the Capital District Youth Center, Inc. (CDYCI), in conjunction with the Counties of Rensselaer, Saratoga, and Schenectady, and developed a cost effective means to secure juveniles in need of secure detention placement on a regional basis by utilizing the regional facility operated by CDYCI, and

WHEREAS, in 2017, the bonds related to the construction of the regional juvenile detention facility were discharged and, pursuant to the municipal agreement between the four counties, fee title to the facility was conveyed by CDYCI to Albany County without consideration and all leases, management contracts, and other encumbrances automatically were discharged, and

WHEREAS, on February 10, 2017 the County of Albany, as tenant, and CDYCI, as landlord, entered into an "Leaseback Amendment" agreement which amended the Lease agreement from 1997 to allow for an extension of the terms of the original lease for the term commencing January 1, 2017 and ending December 31, 2017, with an option for a one year renewal, at NYS Division for Youth approved rates and subject to adjustments based on usage and operation costs, and

WHEREAS, the County Executive has indicated that it is necessary to enter into a use agreement with CDYCI to allow the County of Albany to continue to utilize the regional juvenile detention facility, therefore be it

RESOLVED, by the Albany County Legislature that the County Executive is authorized to enter into a use agreement with CDYCI regarding the regional juvenile detention facility for a term commencing October 1, 2018 and ending December 31, 2018, and be it further

RESOLVED, that this agreement will automatically renew each year on the first day of January unless the County of Albany requests a different renewal term by November first of the previous year, and be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Adopted by unanimous vote – 9/12/18