

**AGREEMENT FOR THE USE AND OPERATION
OF A REGIONAL JUVENILE DETENTION FACILITY**
(the "Capital District Juvenile Secure Detention Facility")

THIS AGREEMENT made as of the 1st day of January, 2020 by and among the CAPITAL DISTRICT YOUTH CENTER, INC., a Not-for-Profit corporation organized and existing under the laws of the State of New York having a principal office located at One Park Place, Albany, New York 12205 ("CDYCI"), the COUNTY OF ALBANY ("ALBANY COUNTY"), having an office at the Albany County Office Building, 112 State Street, Albany, New York 12207, the COUNTY OF RENSSELAER ("RENSSELAER COUNTY"), having an office at the County Office Building, 1600 Seventh Avenue, Troy, New York 12180, the COUNTY OF SARATOGA ("SARATOGA COUNTY"), having an office at the Saratoga County Municipal Center, 40 McMaster Street, Ballston Spa, New York 12020, and the COUNTY OF SCHENECTADY ("SCHENECTADY COUNTY"), having an office at the County Office Building, 620 State Street, Schenectady, New York 12307. ALBANY COUNTY, RENSSELAER COUNTY, SARATOGA COUNTY and SCHENECTADY COUNTY collectively referred to herein as the "COUNTIES". CDYCI and Counties are collectively referred to herein as the "Parties".

WITNESSETH:

WHEREAS, the Counties had recognized a need in the Capital District for access to a secure detention facility for Juvenile Delinquents as defined in the NYS Family Court Act ("JD") and Juvenile Offenders as defined in the NYS Criminal Procedure Law ("JO") ; and

WHEREAS, with assistance of the Capital District Regional Planning Commission, the Counties had determined that acquisition, construction and equipping of such a facility in the Capital District would be efficient only if financed, constructed and operated on a joint and regional basis; and

WHEREAS, by Resolution No. 292 adopted by the County Legislature of Albany County on September 9, 1996, Albany County approved the creation of CDYCI, a non-profit-corporation to acquire, construct, equip, finance, operate and manage a regional juvenile secure detention facility on behalf of the Counties; and

WHEREAS, pursuant to Article 5-G of the New York General Municipal Law, which authorizes municipal corporations to perform their functions, duties and powers on a cooperative basis with other municipal corporations pursuant to municipal cooperation agreements, the Counties entered into such an agreement dated February 1, 1997 with a term commencing February 13, 1997 through and including January 31, 2002 (the "Cooperative Agreement"); and

WHEREAS, pursuant to and in accordance with the Cooperative Agreement, the Counties agreed to cooperate with the formation and operations of CDYCI and for the sharing of the expenses related thereto; and

WHEREAS, pursuant to and in accordance with the Cooperative Agreement and CDYCI's certificate of incorporation, CDYCI must have nine members with two members being appointed by Albany County, one member being appointed by Rensselaer, Saratoga and Schenectady counties, and the balance of the members being appointed by the Capital District Regional Planning Commission; and

WHEREAS, CDYCI, by resolution adopted on February 6, 1997 issued bonds (the "Bonds") in the aggregate principal amount of \$5,070,000 for the purpose of financing a project (the "Project") consisting of constructing and equipping a regional juvenile secure detention facility known as the Capital District Juvenile Secure Detention Facility (the "Detention Facility") upon land owned by Albany County and located at 838 Albany-Shaker Road, Albany, New York (the "Land"); and

WHEREAS, on February 1, 1997, Albany County, as landlord, and CDYCI, as tenant, entered a ground lease whereby CDYCI leased the Land from Albany County to enable CDYCI to undertake the Project described above (the "Ground Lease"); and

WHEREAS, to provide a source of repayment for the Bonds, the Detention Facility was leased by CDYCI, as landlord, to (A) Albany County pursuant to a lease agreement dated as of February 1, 1997 (the "Albany Lease"), (B) Rensselaer County pursuant to a lease agreement dated as of February 1, 1997 (the "Rensselaer Lease"), (C) Saratoga County pursuant to a lease agreement dated as of February 1, 1997 (the "Saratoga Lease") and (D) Schenectady County pursuant to a lease agreement dated as of February 1, 1997 (the "Schenectady Lease") (the Albany Lease, the Rensselaer Lease, the Saratoga Lease and the Schenectady Lease, as have been amended from time to time, are hereinafter collectively referred to as the "Leases"); and

WHEREAS, to provide for the receipt of secured juvenile detention services at the Detention Facility, the Counties entered into agreements with CDYCI (the "Use Agreements") setting forth the terms and conditions of such use and services, including the preferred rights to use certain beds based upon the number of beds leased pursuant to the Leases; and

WHEREAS, to provide for the day-to-day operation, staffing and management of the Detention Facility, CDYCI contracted with a not-for-profit independent contractor (the "Operator"); and

WHEREAS, on February 10, 2017 the Bonds to construct the Project were discharged and pursuant to § 4.4 of the Cooperative Agreement, fee title to the Detention Facility was conveyed by CDYCI to Albany County without consideration and all Leases, including the Ground Lease, management contracts and other encumbrances automatically terminated on the date of such discharge; and

WHEREAS, notwithstanding the automatic transfer of title in the Detention Facility to Albany County, the Counties desired to maintain CDYCI's role in the administration, management and operation of the Detention Facility on behalf of the Counties in accordance

with Article 5-G of the NYS General Municipal Law and Section 218-a of NYS County Law; and

WHEREAS, Albany County and CDYCI entered into a First Amendment to Ground Lease dated February 10, 2017, referred to therein as the “Master Lease”, for CDYCI’s lease of the Land and Detention Facility from Albany County (the “Master Lease”); and

WHEREAS, to provide a source of revenue in the event expenses exceed operating income from the Use Agreements, the Counties and CDYCI entered into a First Amendment to the Leases dated February 10, 2017, for the lease of premises (i.e. beds) within the Detention Facility; and

WHEREAS, the Counties and CDYCI entered into a new Use Agreement dated December 1, 2017 for the Counties’ use of secured detention services at the Detention Facility; and

WHEREAS, Chapter 59 of the Laws of 2017, Part WWW, raised the age of juvenile jurisdiction to include 16 and 17 year olds, commonly known as Raise the Age (hereinafter “Raise the Age”), that requires, among other things, Specialized Secured Detention Facilities for Adolescent Offenders, as defined therein; and

WHEREAS, the Counties continue to desire to utilize the Detention Facility for its eligible JDs, JOs and Adolescent Offenders as defined in the NYS Criminal Procedure Law (“AO”, and collectively with JD and JO, “Youth”); and

WHEREAS, the New York State Office of Children and Family Services (“OCFS”) has certified the Detention Facility as a secured detention facility (“SD”) and, OCFS and the New York State Commission of Correction (“SCOC”) has certified the Detention Facility as a specialized secured detention facility (“SSD”), which is co-administered with the Albany County Sheriff; and

WHEREAS, the Counties and CDYCI entered into amended Leases and Use Agreements dated as of October 1, 2018, as further amended, to implement Raise the Age; and

WHEREAS, with the implementation of Raise the Age, OCFS is requiring certain changes to the process for how the Counties will fund and be reimbursed for costs related to secure detention and specialized secure detention care for Youth; and

WHEREAS, the Counties and CDYCI hereby desire to implement such billing and claiming modifications required by OCFS and to consolidate and simplify the contractual relationships between and among CDYCI and the Counties for the use and operation of the Detention Facility on a joint and regional basis within the spirit of the Cooperative Agreement; and

IN WITNESS WHEREOF, the undersigned has caused this Agreement to be executed in its corporate name by its duly authorized officer, each as of the date first above written.

CAPITAL DISTRICT YOUTH CENTER INC.

BY: Lucille McKnight

NAME: Lucille McKnight

TITLE: President

DATE: 12/18/19

COUNTY OF ALBANY

BY: Daniel P. McCoy

NAME: Daniel P. McCoy

TITLE: Albany County Executive

DATE: February 7, 2020

COUNTY OF RENSSELAER

BY: _____

NAME: _____

TITLE: _____

DATE: _____

COUNTY OF SARATOGA

BY: _____

NAME: _____

TITLE: _____

DATE: _____

COUNTY OF SCHENECTADY

BY: _____

NAME: _____

TITLE: _____

DATE: _____

EXHIBIT A
PARTICIPATING COUNTY RESERVED BEDS

<u>COUNTY</u>	<u>JD/JO</u>	<u>AO</u>	<u>TOTAL</u>	<u>PERCENTAGE</u>
ALBANY	4.5	7.5	12	54%
RENSSELAER	1.0	2.0	3.0	14%
SARATOGA	1.0	1.0	2.0	9%
SCHENECTADY	<u>3.0</u>	<u>2.0</u>	<u>5.0</u>	<u>23%</u>
	9.5	12.5	22	100%

EXHIBIT D
NON-CARE RTA COSTS ALLOCATION

<u>COUNTY</u>	<u>AO</u>	
ALBANY	7.5	60%
RENSSELAER	2.0	16%
SARATOGA	1.0	8%
SCHENECTADY	<u>2.0</u>	<u>16%</u>
TOTAL	12.5	100%