



Robert P. Astorino  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

## 31522

DATE: January 4, 2013

TO: Board of Acquisition and Contract

FROM: Kevin M. McGuire  
Commissioner, Department of Social Services

SUBJECT: Authority to enter into a repayment agreement with St. Christopher's, Inc. ("St. Christopher's") in order to recover funds owed to the County by St. Christopher's in the amount of \$288,364.07 for a period of 29 months commencing February 15, 2013 and terminating July 15, 2015

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Authority is respectfully requested from your Honorable Board to authorize the County of Westchester (the "County"), acting by and through its Department of Social Services (the "Department"), to enter into a repayment agreement with St. Christopher's, Inc. ("St. Christopher's") in order to recover funds owed to the County by St. Christopher's in the amount of \$288,364.07 for a period of 29 months commencing February 15, 2013 through July 15, 2015. Payments shall be made in monthly installments of \$10,000.00 for the first 28 months and \$8,364.07 for the final month with the first payment due upon execution and each payment thereafter due on the fifteenth day of the month.

On November 24, 2004 your Honorable Board authorized the County to enter into an agreement with St. Christopher's to conduct a program for the County to provide non-secure detention facilities and related services for the period July 1, 2004 through June 30, 2005 for an amount not to exceed \$2,872,460.00, paid pursuant to an approved budget. On November 10, 2005 your Honorable Board authorized the County to amend the agreement in order to extend the term to January 31, 2006 and increase the not to exceed amount by \$1,321,815.00 for a new total amount not to exceed \$4,194,275.00 (the "First Amendment"). The First Amendment was subsequently executed. On March 2, 2006 your Honorable authorized the County to further amend the agreement by extending the term to April 30, 2006 and increasing the not to exceed amount by \$581,525 for a new not to exceed amount of \$4,775,800 (the "Second Amendment"). The Second Amendment was subsequently executed. An audit was completed on March 14, 2012 and it was determined that the payments made by the County to St. Christopher's had

exceeded the actual accepted program expenses reflected in the audit by an amount determined to be \$288,364.07. St. Christopher's has agreed to reimburse the County for amounts due as determined by the audit. Accordingly, authority is requested to enter into a repayment agreement whereby St. Christopher's will reimburse the County in the amount of \$288,364.07. Payments will be made in monthly installments of \$10,000.00 for the first 28 months and \$8364.07 for the final month.

The proposed agreement will serve a public purpose by collecting the overpayment amount in installments so as to reduce any economic hardship that could adversely impact St. Christopher's ability to run their non secure detention facilities and related program.

The goals and objectives of the proposed agreement are to collect the full amount of overpayment in a manner that does not adversely impact St. Christopher, so that they can continue to provide services to the County that are essential for our community.

The goals and objectives of the proposed agreement are in the best interests of the County in terms of fiscal responsibility. The County's fiscal interests require balancing its duty to recoup the overpayment against the County's need to ensure the continued delivery of non secure detention services in an economical manner.

The goals and objectives of the proposed agreement will be tracked and monitored by the Department of Social service general accounting unit by updating the monthly received amount from the vendor.

The proposed agreement does not constitute procurement. Accordingly, the provisions of the Westchester County Procurement Policy do not apply.

I respectfully recommend your Honorable Board's approval of the attached Resolution.

## RESOLUTION

Upon a communication from the Commissioner of the Department of Social Services, be it hereby

**RESOLVED**, that the County of Westchester (the "County"), acting by and through its Department of Social Services, is hereby authorized to enter into a repayment agreement with St. Christopher's, Inc. ("St. Christopher's") in order to recover funds owed to the County by St. Christopher's in the amount of \$288,364.07 for a period of 29 months commencing February 15, 2013 and terminating on July 15, 2015. Payments shall be made in monthly installments of \$10,000.00 for the first 28 months and \$8,364.07 for the final month with the first payment due upon execution and each payment thereafter due on the fifteenth day of the month; and be it further

**RESOLVED**, that the County Executive, or his authorized designee, is authorized to execute any and all documents 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	22	8900	9664	2013	\$110,000.00
101	22	8900	9664	2014	\$120,000.00
101	22	8900	9664	2015	\$58,364.07

Budget Funding Year(s):2013  
(must match resolution)

Start Date: 02/05/13

End Date: 7/15/15

Funding Source

**\$288,364.07**  
(must match resolution)

Tax Dollars:

State Aid:

Federal Aid:

Other: Revenue