

64118

DATE: July 17, 2018

TO: Honorable Members
Board of Acquisition and Contract

FROM: Rocco A. Pozzi
Commissioner of Probation

RE: RESOLUTION AUTHORIZING THE COUNTY, ACTING BY AND THROUGH THE DEPARTMENT OF PROBATION TO ENTER INTO A LEASE AGREEMENT WITH PROTEUS ON-DEMAND FACILITIES, LLC. FOR TEMPORARY STRUCTURES ON THE GROUNDS OF WOODFIELD COTTAGE TO TEMPORARILY ACCOMODATE THE EXPECTED INCREASE IN THE JUVENILE POPULATION IN DETENTION DUE TO THE RAISE-THE-AGE LEGISLATION EFFECTIVE OCTOBER 1, 2018.

Authority is respectfully requested for the County of Westchester (the "County"), acting by and through its Department of Probation ("Probation") to enter into a lease agreement (the "Lease") with Proteus On-Demand Facilities, LLC., a Georgia Limited Liability Company, having a principal place of business at 6727 Oak Ridge Commerce Way, Austell, GA 30168, to lease temporary structures, related equipment and other tangible items (the "Housing Units") in which to temporarily house Adolescent Offenders (as defined below) who have been court-ordered to secure detention and cannot be detained in Woodfield Cottage with juvenile delinquents pursuant to the "Raise the Age" legislation effective, in part, October 1, 2018. Immediate temporary housing is necessary to comply with the "Raise the Age" deadline while the County plans and constructs permanent housing at Woodfield.

The Lease agreement will commence upon execution. There will then be a period of approximately 13 weeks to allow for Proteus to prefabricate, prepare the site, then deliver and install the Housing Units within the grounds of Woodfield Cottage. Once installation is complete, the Housing Units will be handed over to the County for a period of four years, after which there will be a period of time for Proteus to dismantle and remove the Units, if the County does not exercise the purchase option described below. Accordingly, the Lease amount, which shall not to exceed \$8,428,266, will cover all three of these phases. There will also be an option to purchase the Units at the end of the term of the Lease. In order to comply with applicable New York State Law defining a "true lease", the purchase price for the option will be determined after an appraisal at the end of the term of the Lease. The exercise of such option would require the future approval of this Honorable Board.

Managed by Probation, Woodfield Cottage is currently the County's secure detention center for youth's, generally age 15 and under, who are detained by order of the family court during the pendency of their juvenile delinquency matters ("JD"s) and youths age 15 and under, known as Juvenile Offenders ("JO"s), who are charged as adults in criminal court for more serious crimes.

On April 10, 2017, Governor Cuomo signed into law legislation known as “Raise-the-Age” that goes into effect, in part, on October 1, 2018. Under the current law, all 16-and 17-year olds who are charged with committing a crime are charged as adults and are processed in criminal courts and, if detained, they are detained in adult jails. Beginning October 1, 2018, under Raise the Age, 16-year-olds charged with a crime will start their court process in newly created “Youth Parts” of the criminal court. Depending on the seriousness of the offense and other circumstances, some of those cases will remain in the youth parts and others will be transferred to family court and processed as JDs. Those whose cases remain in the Youth Parts will be classified as Adolescent Offenders (“AO”s). AOs who are detained pre-trial will be held in specialized secure juvenile detention facilities (“SJDF”s) for older youth, which will be certified and regulated by the New York State Office of Children and Family Services in conjunction with the State Commission of Correction (“CoC”). Judges will also have the discretion to order that AOs who are sentenced to less than a year serve such sentences in SJDFs. On October 1, 2019, the second part of Raise-the-Age takes effect adding 17-year olds to these categories of JDs, JOs, and AOs.

As a result of Raise-the-Age, Woodfield Cottage is expected to see not only a significant increase in its population of juvenile delinquency detainees, but will also have a new population of AOs to accommodate in a separate SJDF, at least for the male detainees, from the JDs and JOs and, in some cases, for significantly longer periods of time than the JDs and JOs. The female detainees of all three categories may be quartered together under Raise the Age.

Woodfield Cottage does not currently have the capacity to fulfill this mandate. Probation ultimately plans to build an annex which will accommodate approximately 100-120 additional detainees but this will entail a major public works project and cannot be accomplished by the October 1, 2018 effective date of Raise the Age or even by effective date of the second part of Raise the Age, October 1, 2019. By leasing the temporary Units from Proteus, Probation will be able to meet the increased demand by the statutory deadline and until the permanent annex can be built.

Proteus’ “Flex System” is a modular building system comprised of sturdy structural steel Units that are fully insulated and configured to meet their clients’ needs. The Units can be seamlessly integrated together on the ground level or vertically to create two or three story buildings. Proteus’ clients have included correctional facilities with similar transitional needs to the County’s. The Units specifications have been approved by CoC for the purpose stated herein.

Accordingly, I recommend adoption of the annexed proposed Resolution.

Rocco A. Pozzi
Commissioner of Probation

RAP/JR/JRC
Attachment

RESOLUTION

Upon a communication from Rocco A. Pozzi, Commissioner of Probation, be it hereby

RESOLVED, that the County is hereby authorized to enter into a lease with Proteus On-Demand Facilities, LLC., a Georgia Limited Liability Company, having a principal place of business at 6727 Oak Ridge Commerce Way, Austell, GA 30168, to lease temporary structures, related equipment and other tangible items (“ Housing Units”) in which to temporarily house Adolescent Offenders who have been court-ordered to secure detention and cannot be detained in Woodfield Cottage with juvenile delinquents pursuant to the “Raise the Age” legislation effective, in part, October 1, 2018 and for the provision of related incidental services such as installation of the Units and dismantling and removing the Housing Units at the end of the Lease, if the option to purchase is not exercised for an amount not to exceed \$8,428,266; and be it further

RESOLVED, that the term of the lease will commence upon execution and include a period of approximately 13 weeks to allow Proteus to prefabricate, prepare the site, then deliver and install the Housing Units , use by the County of the Housing Units for a period of four years, and an additional period for dismantling and removal of the Housing Units, if the option to purchase is not exercised; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Rocco A. Pozzi
Commissioner of Probation

Account to be Charged

Fiscal Year	Fund	Dept.	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
2018	101	39	2000	4320		\$4,146,016
2019	101	39	2000	4320		\$828,000
2020	101	39	2000	4320		\$828,000
2021	101	39	2000	4320		\$828,000
2022	101	39	2000	4320		\$1,798,250

Budget Funding Year(s) Start Date 2018 End Date 2022
(must match resolution)

Funding Source Tax Dollars: _____
State Aid: \$8,428,266 _____
Federal Aid _____
Other _____

(must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/19/2018 - LISA MRIJAJ SECRETARY