

February 8, 2010

To: The Board of Acquisition and Contract

From: Kevin Cheverko
Acting Commissioner of Correction

Re: Authorization to amend a resolution which authorized an Agreement with Sullivan County whereby Westchester County would maintain Sullivan County Inmates at the Westchester County Jail, at a rate of \$160.00 per day for each Sullivan County inmate housed, for the period January 1, 2009 through December 31, 2010 in order to include authority for Sullivan County to maintain Westchester County Inmates at the Sullivan County Jail at the rate of \$130 per day per Westchester County Inmate housed, each on a space-available basis, plus reimbursement for transportation, medical and incidental expenses.

Pursuant to Section 504 of the New York Correction Law, the State Commission of Correction, upon application by the County, has the authority to designate a substitute jail for the County for use by the County in the event that the County jail is unfit or unsafe for the confinement of some or all of the inmates. The State Commission of Correction has designated the Sullivan County Jail as the substitute jail for the County and the County Jail as the substitute jail for Sullivan County.

By Resolution approved by your Honorable Board on September 3, 2009 authority was given for the County to enter into an agreement with Sullivan County for the County to house Sullivan County inmates on a space-available basis at the rate of \$160.00 per inmate per day for Sullivan County inmates housed in Westchester from January 1, 2009 through December 31, 2010, plus reimbursement for transportation, medical and incidental expenses incurred in connection with the maintenance and detention of the inmates by each County. The agreement was never executed. Authority is now requested for your Honorable Board to amend the resolution to include a provision authorizing Sullivan County to house Westchester County inmates at a cost of \$130 per Westchester County inmate housed in the Sullivan County Jail per day. This authority is generally contained in the agreements entered into for this purpose between the Counties of Westchester and Sullivan but was omitted from the prior resolution.

The public purpose of the proposed agreement is for the County to carry out its duty to maintain the safety of inmates in the event that the County Jail is filled to capacity and to assure the safety of a prisoner, if necessary, by housing the inmate outside of Westchester County. The goal of maintaining the safety of the public and prisoners while prisoners are being maintained in substitute jails will be tracked and monitored by the Department of Correction through booking records and monthly invoices.

The approval of this contract will assure the public safety of County residents and will permit the use of substitute jails where necessary pursuant to Section 504 of the Correction Law. If this Agreement is not authorized, the County would not be able to utilize Sullivan County as its substitute jail and vice versa, and would not obtain needed income for housing Sullivan County prisoners. The proposed agreement is in the best interests of the County and is fiscally responsible because the County has obtained a favorable and realistic rate for housing inmates in both the Westchester and Sullivan County Jails.

A resolution for your consideration is annexed hereto which I recommend for your favorable consideration.

KC/DI:sw

Att.

APPROVED BOARD OF ACQUISITION & CONTRACT - 3-4-2010 - JOMPEY VIEIRA SECRETARY

RESOLUTION

Based on a communication from the Acting Commissioner of Correction, be it hereby

RESOLVED, that the Resolution adopted September 3, 2009 which authorized the County of Westchester to enter into an agreement with Sullivan County whereby Westchester County would maintain Sullivan County inmates on a space-available basis at the rate of \$160.00 per day for each Sullivan County inmate maintained for the period January 1, 2009 through December 31, 2010, plus the cost of reimbursement for transportation, medical and incidental expenses incurred in connection with the maintenance and detention of the inmates (the "Resolution") is hereby amended to include authorization for Sullivan County to maintain Westchester County inmates at a cost of \$130 per day for each Westchester County inmate maintained in the Sullivan County Jail; and be it further

RESOLVED, that all other terms and conditions of the Resolution shall remain in full force and effect: and be it further

RESOLVED, that the County Executive or his duly authorized designee, be and hereby is authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

Account to be Charged/credited	Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
	101	35	1000	9077		3000	To Be Determined
	101	35	1000	4380		3000	To Be Determined

Budget Funding Year(s) 2009/2010 Start Date 1/1/09 End Date 12/31/10
 (must match resolution)
 Funding Source Tax Dollars _____
 State Aid _____
 \$ _____ Federal Aid _____
 (must match resolution) Other _____