

**Capital District Youth Center, Inc.
Board Meeting**

Wednesday, October 16, 2019

9:00am

1 Park Place, Suite 102

Albany, NY 12205

Members Present: Laura Bauer, William Connors, Kristin Swinton, Lucille McKnight, Steve Bayle, Samantha Miller-Herrera, Barbara Mauro, Craig Warner,

Present via GotoMeeting: Mike Stammel, Michael McLaughlin, (Albany County Executive's Office), William Connors (Albany County)

Others Present: Richard Riccio, (Berkshire Farms) Robert Ryan (Harris Beach), Lucas Jacobs, (Berkshire Farm), Del Robinson (Berkshire Farms),

Members / Others Absent:

Staff: Mark Castiglione, Amy Weinstock.

Presiding: Lucille McKnight, President, called the meeting to order at 9:07 am.

1. Welcome & Introductions

President McKnight welcomed everyone to the meeting.

2. July 17, 2019 Meeting Minutes

The minutes were distributed before the meeting.

Actions Taken

Samantha Miller-Herrera made a motion to approve the meeting minutes and Kristin Swinton seconded. The motion was approved unanimously.

3. Financial Statement through September 30th

There is a transition to Quickbooks occurring now, and Tom White is now overseeing the financial statements, taking over for Tim Canty. A more accurate financial picture is taking shape.

The Board was made aware that the refunds for Counties delayed in 2017 will continue to be delayed until more receivables can be recuperated.

Attached are the financial statements through September for the Secure Detention and Specialized Secure Detention facilities. Revenue that will be due to CDYCI and will be booked in September has yet to be calculated. Revenues are based on eligible actual care costs as approved by OCFS. The revenue lines currently only reflect amounts due to CDYCI for care costs.

Capital costs, such as those related to RTA furniture, are not shown on the P&L statement but will be reflected on the Balance Sheet. Since we are treating these purchases as being made on behalf of Albany County, CDYCI will not include the value of such purchases as assets on our balance sheet either.

All secure detention costs for vendors are paid from SD accounts. Money from the SSD accounts is transfer it the SD accounts to cover the cost split.

The Year to Date Revenues reflect the billings to the counties for services provided through second quarter. We have not submitted Q3 expenses and, therefore, have not been issued a rate so Q3 receivables are not shown. The deficits result from incurring Q3 expenses without revenue in both SD and SSD. In addition, the combined administrative costs of Berkshire and CDYCI have exceeded the cap for admin costs which is also contributing to the deficit. These admin overages were, however, included in RTA plan care costs approved for 2018 so it's likely that will be the case for 2019.

Secure Detention (SD)

Berkshire Farm's statement of actual expenses through September 2019 is \$1,344,342.77. Operations Revenues total \$999,131 reflecting revenue from quarterly billing to the counties. Estimated expenses through September total \$1,584,317.44. Actual SD expenses through September from Berkshire Farm are also attached. Accounts receivable total \$787,821 reflecting amounts billed in Q4 2018 and Q1 and Q2 in 2019.

Specialized Secure Detention (SSD)

Berkshire Farm's statement of actual expenses through September 2019 is \$926,719.68. Operations Revenues total \$686,523.78 reflecting revenue from quarterly billing to the counties. Estimated expenses through September total \$ 1,128,273.08. Actual SSD expenses through September from Berkshire Farm are also attached. Accounts receivable total \$722,712.24 reflecting amounts billed in Q4 2018 and Q1 and Q2 in 2019.

Actions Taken

Craig Warner made a motion to approve the financial statement through September 30th and Barbara Mauro seconded it. The motion was approved unanimously.

4. Approve 2020 Agreements

Historically, CDYCI has self-funded the operations of the facility through revenues generated by the per diem rate it charged to counties for their youth in the facility. Effective January 1, 2020, CDYCI and its counties will be required to transition from this pay as you go model to a quarterly reimbursement model. The CDYCI RTA Finance agreed on a new process for CDYCI to secure operations/ care cost reimbursement via billing the four CDYCI counties. In addition, the CDYCI board approved this new process at its July 2019 board meeting. The approved process is appended to this memo. This new process will be reflected in the new agreements.

The new agreements will also define the cost share relationship related to RTA implementation and any costs not eligible for reimbursement should the consortium incur any. These agreements will replace and streamline existing agreements.

The following new omnibus agreement has been drafted and is attached and is being distributed to the CDYCI Counties and OCFS for review:

1. **Participating County Agreement for the Use and Operation of a Regional Juvenile Detention Facility-** (Replaces 1) Municipal Cooperation Agreement, 2) Lease Agreements and 3) Use Contracts)

The following agreements are also included for review although they don't pertain to all consortium counties.

2. CDYCI Lease from Albany County (Albany County Only)
3. Template Referring County Use Agreement (Outside Counties)

Participating County Agreement for the Use and Operation of a Regional Juvenile Detention Facility

The new Participating County Agreement (PCA) replaces the Municipal Cooperation Agreement, County Lease Agreements and CDYCI County Use Contracts. The new agreements conform to the new billing and claiming structure, address cost share scenarios and designate CDYCI to provide services to the counties. The issues addressed in the new Participating County Agreement include:

- (1) Care/ Operations costs reimbursement
- (2) RTA plan costs
- (3) Pre-funding RTA costs
- (4) Reserved Beds and Priority for Beds
- (5) Delegation of authority to CDYCI as agency to provide services related to secure detention to the consortium counties

- (6) Costs not subject to reimbursement as care costs or RTA costs. These costs would be allocated among the participating counties based upon the number of overall beds.

CDYCI Lease from Albany County

This updates the existing lease CDYCI has with Albany County- Leasing the land and the building.

Template Referring County Use Agreement

Similar to the current use contracts, this sets the terms of the relationship between CDYCI and counties outside the four-county area. It protects CDYCI and communicates the Participating Counties' reserved beds and preferred status. The new use contracts will also reflect the new billing and claiming structure.

The new Participating County Agreement must be in place by January 1, 2020. I will be following up with county stakeholders to finalize the PCA language and distribute final copies for legislative action and execution.

Board Action is requested to approve these three new agreements.

2020 Operations Care Cost Reimbursement to CDYCI

The board previously approved the following cost structure related to care costs

- CDYCI is designated to submit costs on behalf of consortium members.
- Four CDYCI counties all act as fiscal conduits
- CDYCI bills Participating Counties an amount based on the allocations below at the close of each quarter.
- Four CDYCI counties pay CDYCI the amount billed.
- CDYCI counties claim their "home county" youth
- One County claims all "out of county" youth in addition to their own "home county" youth
- Three CDYCI counties receive reimbursement for their home county youth (net 51 % of costs of care days for any non-raise the age youth they have claimed)
- One CDYCI county received reimbursement for their home county youth and all out of county youth (net 51 % of costs of care days for any "home county" non-raise the age youth they have claimed)

Thank you to Albany County for taking the large cost of funding the Out of County Youth.

Actions Taken

Barbara Mauro made a motion to accept the three new 2020 Agreements and Craig Warner seconded it. The motion was approved unanimously.

5. Recertification SCOC / OSFS Update

The facility was provided an extension to its current operating certificate by OCFS through October 31, 2019 pending revisions to its Policy and Procedure Manual are made and accepted by the agency. Whereas the facility was previously issued a conditional certification to operate, it was provided a variance in this second year of SSD operation.

Berkshire staff are working diligently to revise the policy manual so that OCFS can issue a 2- year certification.

We have yet to meet the conditions of the certificate provided by SCOC last year. Most critically from their perspective, we have not installed anti-ligature furniture. That process has been delayed due to the uncertainty around eligible costs and reimbursement in addition to the delayed RTA plan approval and delayed reimbursements due to CDYCI from the counties for the common area furniture procurement. Now all RTA plan costs related to the initial furniture purchase have been approved and we have learned that those costs do not have to be allocated between SD and SSD facilities, we are in a position to proceed apace with the procurement of the new bedroom furniture.

Until the new bedroom furniture is installed, the variance requires an extra staff member on any pod housing an AO for every shift. So, for example, if there is one female AO in the 3-bed pod, three staff will need to be assigned as the minimum staff ratio requires 2.

We have been advised that we would need to have the SCOC board approve any modifications to this requirement. The SCOC board meets next on October 29th.

6. Capital Project Update:

Questions have been asked about who receives bail money for a youth in the facility. CDYCI nor Berkshire Farms receive any bail money for youth at the facility.

The process to procure new required bedroom furniture has been delayed due to the uncertainty around eligible costs and reimbursement, in addition to the delayed RTA plan approval, and delayed reimbursements due to CDYCI from the counties for the common area furniture procurement. SMRT is working on schematic designs for the project.

7. Approve DASNY Procurement Agreement

The process to procure new required bedroom furniture has been delayed due to the uncertainty around eligible costs and reimbursement, in addition to the delayed RTA plan

approval, and delayed reimbursements due to CDYCI from the counties for the common area furniture procurement. Now that all RTA plan costs related to the initial furniture purchase have been approved, and we have learned that those costs do not have to be allocated between SD and SSD facilities, we are in a position to proceed apace with the procurement of the new bedroom furniture.

DASNY previously assisted with the procurement of the common area furniture and the board authorized a transfer to them of \$167,000 from its Capital Reserve Account to fund that project. The balance remaining from this amount is \$41,918 which will be rolled over to cover a portion of the \$80,000 budget for the procurement of the bedroom furniture.

The attached agreement engages DASNY's services to assist with the procurement. **Board action is requested to approve the agreement.** Separate board action will be requested to authorize funds from our capital reserve account to be used to fund the balance of the project costs.

Actions Taken:

Samantha Miller-Herrera approved the DASNY Procurement Agreement and Kristin Swinton seconded it. The motion passed unanimously.

8. Authorize Purchase of New Bedroom Furniture.

The total project budget for replacing the bedroom furniture is \$80,000, of which \$41,918 remains left over from the common area furniture purchase and in our account at DASNY. The remaining \$38,082 must be provided by CDYCI to initiate the procurement.

Our capital reserve account has been sufficiently replenished from county reimbursements related to the initial furniture purchase that we have enough to cover the amount need to purchase the bedroom furniture.

Board action will be requested to authorize funds from our capital reserve account to be used to fund the balance of the bedroom furniture procurement.

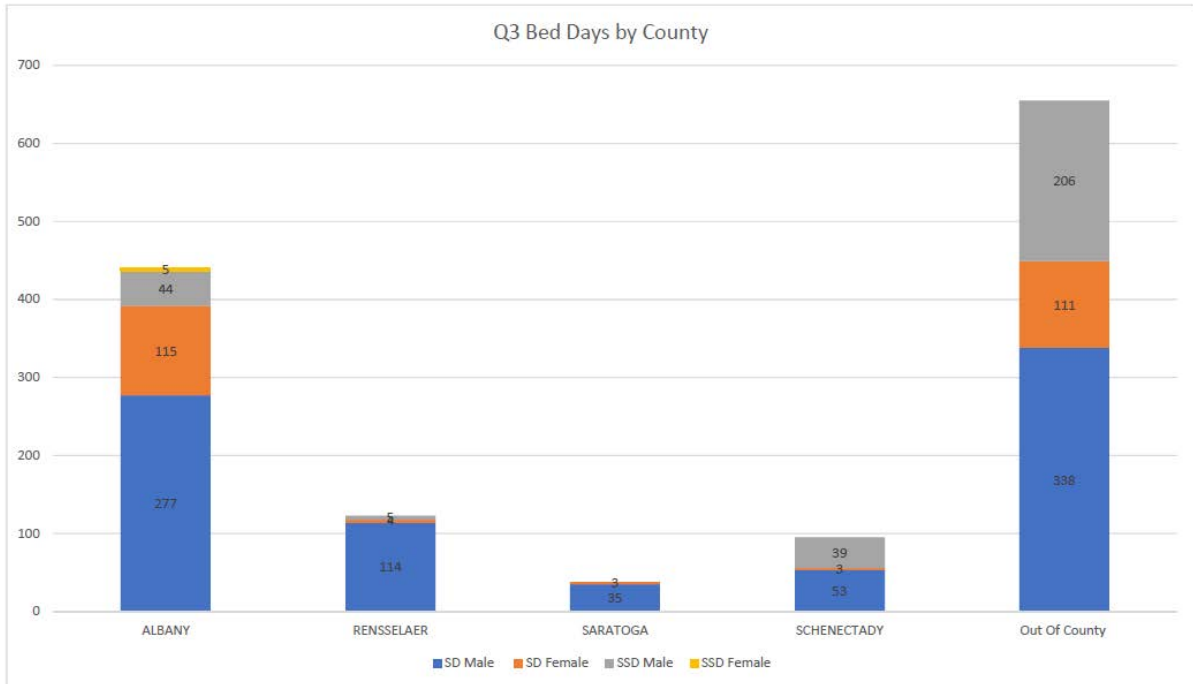
Actions Taken:

Craig Warner approved the Authorization to purchase new bedroom furniture and Barbara Mauro seconded it. The motion passed unanimously.

9. Facility Usage through September 2019

There is a bed shortage system wide. CDYCI tries to be as accommodating to Out of County children as space allows. RTA children are being sentenced to longer terms at the facility, and the SSD side will need more beds in the near future.

As tracking youth against the estimated utilization we used to set our per diem rate is now irrelevant, (since we do not set our rate and are provided one based on actual costs) I have updated the presentation of facility usage. The new format shows use by county in SD male, SD female, SSD male and SSD female. The new table and chart is attached.



10. Facility Operations / Agency Report (Berkshire)

The media needs to be more careful in their reporting about Youth in our facility, as sometimes their names and / or sentences are being publicized.

There is progress being made in the recertification process.

They are working with OCFS and SCOC on procedures and policies.

There are calls daily to the facility regarding the system wide bed shortage. They are addressing concerns and requests as well as they can. They are doing the best they can to keep children safe and finding placements for everyone.

There is still a focus on hiring- the process has slowed down since the summer.

11. Other Business

No other business was discussed.

12. Adjournment- next meeting is December 18, 2019 at 9:00 am.

Barbara Mauro made a motion to adjourn the meeting and Craig Warner seconded it. The motion was approved unanimously. The meeting adjourned at 9:50.

Respectfully submitted,

Amy Weinstock
Office Manager

Reviewed and approved by

Steve Bayle
Secretary