



COUNTY OF DUTCHESS

Memo

TO: Dale Borchert, Chairman of the Legislature
Greg Pulver, Chairman, Public Works and Capital Projects Committee

FROM: William F.X. O'Neil, Deputy County Executive 

DATE: February 26, 2016

RE: Justice and Transition Center Project

I am responding to Legislators' questions regarding the Justice and Transition Center project.

Question: *There has been much dialogue surrounding the soil conditions in the ground and also limitations regarding commercial vs. residential use of some of the properties. Please explain in more detail the process as to how the regulated "use" of the property may be changed for use as a transition center.*

Response:

NYSDEC indicated at a recent meeting, that the use of the site as a Justice and Transition Center is allowable subject to incorporating certain engineering measures.

Expected engineering measures include:

- The DCJTC project does not intend to use any groundwater from the site.
- Installation of a sub-slab vapor mitigation system.
- Update soil management plan for the site.
- Soil screening during construction,

The costs of these measures have been included in the Project Cost Estimate. Design work and construction has been contemplated in the DCJTC plan and will be under the supervision of the NYSDEC.

Question: *After the Bond is approved, who will be the team involved in the final design and implementation of the project.*

Response:

Dutchess County has issued an RFP out for the Final Design Architect. The schedule for this RFP is attached. It is intended that the final design architect(s) will be selected by March 31/April 1. See Attachment #1

Question: Please provide a more formal timeline of the ensuing design and construction period.

Response:

See attached most current Project Schedule which has been reviewed with the NYS COC.
See Attachment #2

Question: We have in hand a letter from the COC that identifies that the lack of the funding will constitute "grounds" to revoke the variance, please elaborate as to what the timing would be on the revocation as well as identify any opportunities or lack of opportunities for an appeal of that decision.

Response:

We have been working closely with the COC as this process has been developed, but if we do not get funding approval, that relationship will change. We have gained the trust of the COC after years of a strained relationship. Failure to get legislative approval will indicate that we cannot move forward on the project and therefore any further negotiations will be greatly impacted. There is no doubt they will pull our waiver. We could defy them, but it is likely they will seek a court order and we have signed an MOA which commits us to give up the temporary housing if we do not have a waiver. We could appeal the decision...to the COC, but we would have to house out during the process, and it is unlikely they would allow us to continue the use of the pods without the commitment to build a permanent facility.

Question: What happens if the design phase shows a significant reduction in the overall costs? Will the borrowings be reduced?

Response:

Yes. We will only borrow what we need through the BANs, and then bond the total when the Justice and Transition Center is completed.

Question: How will the construction Auditor be selected? How will they report on findings?

Response:

An RFP was issued for an Auditor during the project definition phase and it covers all phases of design construction as well. Toski & Co. Certified Public Accountants, which has become EFPR Group, won the bid and have been auditing payments to be sure they meet the contract terms for this first phase since December 2014. They report on a quarterly basis to DPW, The Budget Office, and Finance. As we move into the construction phase they will be auditing and submitting reports on a monthly basis.

Question: Will the Legislature need to opine on design choices or expenditures in the future after Bonding resolutions adopted?

Response:

Need, no. Will we provide updates and seek input, yes.

Question: Please provide a schedule of current Debt service commitments, including use of the bond. Please also identify Bonding approved, but not drawn down, with interest rates on an annual basis till the debt is extinguished. The schedule should show the following:

- Debt service for the College
- Debt service for General Government uses
- Debt service for Public Safety
- Debt service for Airport

Response:

See Attachment #3 and #4

Question: Also include a discussion of "off the Books" guarantees of commitments, such as guarantee of other public Authority debt if any.

Response:

Dutchess County has the following Component Units which the County is considered to be financially accountable.

DCC-major component unit
RRA-major component unit
WWA-major component unit
IDA-non-major component unit
Soil & Water-non-major component unit
LDC-non-major component unit
TASC-blended component unit

Of these entities, debt of DCC is including in the Counties debt service figures. DC does guarantee WWA's & RRA's debt. IDA does not report any debt in their financial statements. Soil & Water and LDC do not have any debt and Dutchess County is not responsible for the TASC's debt.

Question: What were the two new ATI programs that were implemented mid-year 2015?

Response:

The two programs mentioned were Saturday arraignment and CHIP (Coordinated Hybrid Interim Program).

Question: Do you know when (month or date) they began?

Response:

Coverage of Saturday arraignments in the City of Poughkeepsie began in mid-July of 2015. When individuals are arrested and held in the lock-up, a probation officer will come in to interview them and conduct an assessment for eligibility for pretrial release. The probation officer provides the judge with relevant information and documentation and makes a recommendation regarding pretrial release to the judge. The judge then makes a decision whether to remand or release. If released, the individual never actually goes to jail, but is expected to make all future court appearances and follow all court directives until disposition of the case.

CHIP is a blend of pretrial and interim supervision that began in the Town of Poughkeepsie Court on June 1, 2015. It is now available to all courts. All parties to the case (DA, defense attorney, Probation, the defendant and the judge) must be in agreement. A contract is signed and the defendant subsequently has an opportunity to show he or she can comply with any conditions that are part of the agreement which is reflected in the ultimate sentence.

Question: *How many people were diverted with these two programs?*

Response:

To date, 20 people were diverted from jail due to Saturday arraignments and 40 people have participated in CHIP (it was 25 at the time of the presentation).

C: All Legislators
Carolyn Morris, Clerk of the Legislature

Dutchess County DPW

DCJTC with DCLEC RFP Timeline

(Week of)	18-Jan	25-Jan	1-Feb	8-Feb	15-Feb	22-Feb	29-Feb	7-Mar	14-Mar	21-Mar	28-Mar	4-Apr	11-Apr	18-Apr	25-Apr	2-May	Comments
RFP released (Feb 5)																	
Tour of Site (Feb 17)																	
Written Questions Due (Feb 24)																	
Responses to Written Questions Released (Mar 1)																	
Proposals Due to Dutchess County (Mar 9)																	
Proposals Distributed to Evaluation Committee Electronically (Mar 11)																	
Review of proposals by DC to Select Shortlisted Firms																	
Individual Ratings Due to Central Services (March 17)																	
Legislative Vote on Approval of DCJTC/DCLEC Bond (Mar 21)																	
Evaluation Committee Meeting to Determine Shortlist (Mar 22)																	
Notification of Shortlisted Firms (Mar 23)																	
Paper and Elec. Copies of Shortlisted Firms to Arch/Eng/CM Selection Review Committee in Preparation for Presentations (Mar 23)																	
Presentations by Shortlisted Firms (Mar 30-31)																	
Design Professional(s) Selected (Mar 31)																	
Contract Negotiations (3 weeks)																	
Design Professional Under Contract (Apr 29)																	

Dutchess County Debt Service Analysis

Year	Current Outstanding Debt Service ALL OTHERS	New Projects Debt Service ¹	Total Debt Service ALL OTHERS	Current Outstanding Debt Service SHERIFF / JAIL	New Justice and Transition Center ²	Total Debt Service SHERIFF / JAIL	Total Debt Service	Budget Impact Increase/ (Decrease) in Debt Service
2016	18,799,015		18,799,015	1,828,004		1,828,004	20,627,019	
2017	17,207,885	1,582,309	18,790,194	1,464,553	176,562	1,641,115	20,431,309	(195,710)
2018	14,974,125	2,412,445	17,386,570	1,339,013	885,517	2,224,530	19,611,100	(820,209)
2019	13,482,266	3,386,242	16,868,508	1,287,403	2,326,971	3,614,374	20,482,882	871,782
2020	12,311,456	4,357,288	16,668,744	94,650	4,544,779	4,639,429	21,308,173	825,291
2021	9,820,881	5,875,141	15,696,022	91,725	9,867,335	9,959,060	25,655,082	4,346,909

¹New Projects include: \$11.6M in projects that have already been authorized but have not yet been bonded, \$4M for the Partnership for Manageable Growth Program, \$20M for county buildings and infrastructure maintenance, \$20M for road and bridge repair and improvements, \$326K for public transit bus replacement (our share- 10%), \$6M for DCC buildings and infrastructure maintenance, \$2.7M for vehicle replacement, \$6M for DPW equipment replacement, \$1.3M in parks upgrades and infrastructure maintenance, \$1.5M to partner on a Youth Service Center and \$380K for Airport projects (our share- 5%). The debt service calculation includes an average bond interest rate of 2.72% for 2016, 2.93% for 2017, 3.12% for 2018, 3.12% for 2019 and 2.83% for 2020 bonds.

²Years 2017-2020 reflect the cost of BANS with the bond issued in 2020 and debt service on the bond beginning in 2021.

Note: The Justice and Transition Center (JTC) Cost Benefit Analysis compares JTC operations plus the \$9.9M debt service vs. the alternative practice of housing out and the cost of our current jail and it's upkeep. That analysis reflects a cost savings of \$5.3M annually beginning in 2021. The debt service analysis above reflects current outstanding debt service and new debt service on projected capital projects county-wide and its year to year impact on the County Budget. Over the next five years current debt service will decrease by (\$10.8M) with only \$5.9M in new debt service excluding the debt service associated with the JTC project, for a debt service savings of \$4.9M.

2016 Debt Service Summary by Fund			
Fund	Serial Bond Principal	Serial Bond Interest	Debt Service Totals
General Fund	14,384,107	4,080,786	18,464,893
Community College	1,307,522	181,353	1,488,875
Airport	260,723	56,697	317,420
Public Transportation	291,408	64,423	355,831
Total	16,243,760	4,383,259	20,627,019

2016 Debt Service Summary by Department			
Department	Serial Bond Principal	Serial Bond Interest	Debt Service Totals
Community College	\$1,307,522	\$181,353	\$1,488,875
DPW Airport	\$260,723	\$56,697	\$317,420
DPW Buildings	\$3,518,184	\$998,159	\$4,516,343
DPW Highway & Engineering	\$5,312,315	\$1,732,849	\$7,045,164
DPW Parks	\$933,713	\$336,217	\$1,269,930
Emergency Response	\$612,061	\$239,716	\$851,777
Finance	\$1,515,000	\$308,260	\$1,823,260
Jail	\$1,583,500	\$256,453	\$1,839,953
Public Transportation	\$291,408	\$64,423	\$355,831
Office of Central and Information Systems	\$639,745	\$99,399	\$739,144
Planning & Development	\$210,846	\$90,088	\$300,934
Probation & Community Correction	\$45,743	\$13,293	\$59,036
Sheriff	\$13,000	\$6,352	\$19,352
Total	\$16,243,760	\$4,383,259	\$20,627,019