

Passaic County Board of Chosen Freeholders

OFFICE OF THE
PASSAIC COUNTY FREEHOLDERS

Director Theodore O. Best, Jr.
Deputy Director John W. Bartlett
Terry Duffy
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Anthony J. De Nova III
Administrator

William J. Pascrell, III, Esq.
County Counsel

Louis E. Imhof, III, RMC
Clerk Of The Board



Public Meeting (Board Meeting)

Date: Jun 14, 2016 - 5:30 PM

Location: County Administration
220
401 Grand Street
Paterson, NJ 07505

Agenda: RESOLUTION AUTHORIZING THE AMENDMENT OF THE SHARED SERVICES AGREEMENT BY AND BETWEEN THE COUNTY OF PASSAIC AND COUNTY OF ESSEX FOR THE HOUSING OF PASSAIC COUNTY JUVENILES AND EXTENDING THE ORIGINAL AGREEMENT THROUGH DECEMBER 31, 2034, ALL NOTED IN THE RESOLUTION

THIS RESOLUTION WAS REQUESTED BY:

REVIEWED BY:

Anthony J. De Nova III
COUNTY ADMINISTRATOR

APPROVED AS TO FORM AND LEGALITY:

William J. Pascrell, III, Esq.
COUNTY COUNSEL

Administration and Finance

COMMITTEE NAME

Official Resolution#	R20160458						
Meeting Date	06/14/2016						
Introduced Date	06/14/2016						
Adopted Date	06/14/2016						
Agenda Item	k-31						
CAF #							
Purchase Req. #							
Result	Adopted						
FREEHOLDER	PRES.	ABS.	MOVE	SEC	AYE	NAY	ABST.
Best Jr	✓				✓		
Bartlett	✓				✓		
Duffy	✓			✓	✓		
James	✓		✓		✓		
Lazzara	✓				✓		
Lepore	✓				✓		
Lora	✓				✓		

PRES.= present ABS.= absent
MOVE= moved SEC= seconded
AYE= yes NAY= no ABST.= abstain

Dated: June 15, 2016

**RESOLUTION AUTHORIZING THE AMENDMENT OF
THE SHARED SERVICES AGREEMENT BY AND
BETWEEN THE COUNTY OF PASSAIC AND COUNTY
OF ESSEX FOR THE HOUSING OF PASSAIC COUNTY
JUVENILES AND EXTENDING THE ORIGINAL
AGREEMENT THROUGH DECEMBER 31, 2034**

WHEREAS pursuant to N.J.S.A. 40:20-1 the executive and legislative responsibility and power for the property finances and affairs of the County of Passaic are controlled and managed by its Board of Chosen Freeholders; and

WHEREAS pursuant to the Code of Juvenile Justice N.J.S.A. 2A:4A:20 et seq the said Board of Chosen Freeholders is responsible for providing a plan of detention or shelter for juveniles when taken into custody for an alleged criminal offense or delinquency pending a disposition by a court of competent jurisdiction; and

WHEREAS the said Freeholders by Resolution R-2009-153 dated February 24, 2009 authorized a Shared Services Agreement by and between the County of Passaic and County of Essex for the housing of juveniles awaiting Court disposition at the Essex County Juvenile Detention Facility in Newark, New Jersey for a ten-year period beginning on April 1, 2009 through March 31, 2019; and

WHEREAS this Shared Services Agreement with Essex County for the housing of juveniles has proven to be a very good thing for the taxpayers of Passaic County inasmuch as it has been estimated that over 70 million dollars has been saved over the first seven (7) years of this arrangement; and

WHEREAS recently the Passaic County Administrator had discussions with the Essex County Administration about amending and extending this 2009 Shared Services Agreement; and

WHEREAS after discussion the Passaic County Administrator is reporting that the two Counties have agreed to the following amendments to the Agreement:

1. Eliminate the clause that the County of Passaic pay for a minimum number of juveniles whether or not that number is being housed at the Facility.
2. Change the yearly rate adjustment from 3% to 2% per year.
3. Waive the rate adjustment for calendar year 2017.
4. Extend the Shared Services Agreement for an additional 15 years and 9 months, making it run until December 31, 2034.

WHEREAS this matter was reviewed by the Freeholder Committee for Administration & Finance at its April 27, 2016 meeting at which time it was recommended to the full Board; and

WHEREAS pursuant to the Uniform Shared Services & Consolidation Act N.J.S.A. 40A:65-1 et seq., public entities can agree to extend the duration of shared services arrangements beyond 10 years if both parties agree; and

NOW THEREFORE BE IT RESOLVED by the Board of Chosen Freeholders of the County of Passaic that it hereby authorizes an amended Shared Services Agreement by and between the County of Passaic and the County of Essex for the

housing of Passaic County juveniles extending the original Agreement through December 31, 2034 and modifying the other terms and conditions set forth above and in the attached draft Agreement.

BE IT FURTHER RESOLVED that the Director and Clerk to the Board be authorized to execute this Shared Services Agreement on behalf of the County of Passaic; and

BE IT FURTHER RESOLVED that a copy of this Resolution with the Agreement shall be open for public inspection at the Office of the Clerk to the Board after adoption of this Resolution; and

BE IT FURTHER RESOLVED that upon execution of the Agreement by both Counties the Clerk to the Board shall forward same with a certified copy of this resolution to the State of New Jersey, Division of Local Government Services in the Department of Community Affairs.

June 14, 2016

K-2016-00648

AMENDMENT TO THE AGREEMENT BETWEEN THE COUNTY OF PASSAIC AND THE COUNTY OF ESSEX FOR HOUSING PASSAIC COUNTY JUVENILES

This Amendment to the Agreement of April 1, 2009, which is made this 10th day of August, 2016, by and between the County of Passaic, a political subdivision of the State of New Jersey, having its principal office at the Passaic County Administration Building, 401 Grand Street, Paterson, New Jersey 07505 (“**Passaic County**”), and the County of Essex, a body politic and corporate of the State of New Jersey, having its principal offices at the Hall of Records, 465 Dr. Martin Luther King, Jr. Blvd., Newark, New Jersey 07102 (“**Essex County**”), (collectively, the “**parties**”).

RECITAL

WHEREAS, Passaic County and Essex County are parties to an April 1, 2009 Agreement for the housing of Passaic County juveniles with pending criminal charges (“**Passaic County placements**”) at the Essex County Juvenile Detention Facility (“**ECJDF**”); and

WHEREAS, the term of the April 1, 2009 Agreement is for a period of ten (10) years, until March 31, 2019; and

WHEREAS, there will exist a continual need to house Passaic County placements at the ECJDF beyond the March 31, 2019 end date of the April 1, 2009 Agreement; and

WHEREAS, Essex County has the ability to continue to make space available in the ECJDF for Passaic County placements; and

WHEREAS, the parties have the authority to enter into this Amendment to the Agreement (“**Agreement**”) pursuant to the Shared Services Act, N.J.S.A. 40A:65-1 et seq. and the Local Public Contracts Law, N.J.S.A. 40A:11-10 et seq.

NOW THEREFORE, in consideration of the mutual covenants herein set forth, Passaic County and Essex County hereby enter into this Agreement for housing Passaic County placements at the ECJDF, at the sole discretion of the Criminal Courts of the State of New Jersey, on the following terms and conditions:

TERMS OF THE AGREEMENT

1. **APRIL 1, 2009 AGREEMENT**. The terms of April 1, 2009 Agreement, which is attached hereto as “**Exhibit 1**,” continue in full force and effect except as herein modified.
2. **TERM**. The April 1, 2009 Agreement shall be extended for a period of fifteen (15) years and nine (9) months, from April 1, 2009 through December 31, 2034.

3. **PLACEMENTS.** The parties agree that as of the effective date of the within Agreement there will be no guaranteed minimum number of Passaic County placements to be transferred to the ECJDF effective January 1, 2017.

4. **RATE ADJUSTMENTS.** The parties agree that the annual increase for the Daily Rate shall be reduced to two percent (2%) subject to the terms contained in Paragraph 5 below.

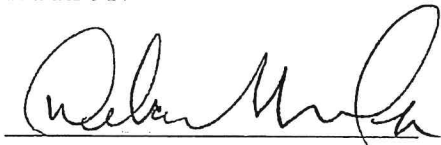
5. **PER DIEM (DAILY) RATE.** The parties acknowledge that the per diem (daily) rate for each Passaic County placement, without regard to MEDICAL AND EDUCATION charges and is currently \$208.97. As of the date of this Agreement, the annual increase for the per diem (daily) rate is reduced to 2% in accordance with Paragraph 4 above. Parties further agree that there shall be no rate adjustment for calendar year 2017 and the rate adjustment of 2% will become effective January 1, 2018.

6. **CALCULATION** The parties agree to use the average of the previous calendar year's population for the purpose of calculating the daily rate for Placements, Medical and Educational charges. The method of setting rates shall remain the same except the use of a guaranteed minimum shall be eliminated as set forth in paragraph 3 above and the actual average daily population of the prior year shall be used for this purpose.

7. **TERMINATION (CAUSE/CONVENIENCE)** The parties agree that the written notice required for termination for cause shall remain forty-five (45) days as set forth in the Agreement, however, the written notice for termination for Convenience shall be extended from twelve (12) months to thirty-six (36) months.

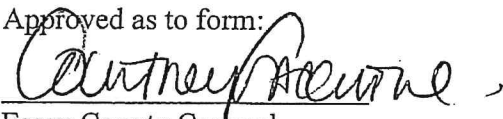
IN WITNESS WHEREOF, the parties hereto have by their duly authorized representatives set their hand and seals.

ATTEST:



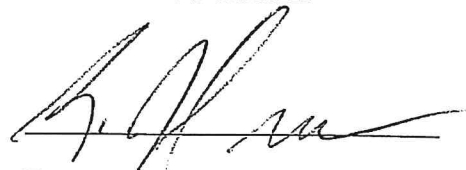
Deborah Davis Ford, Clerk
 Clerk of the Board

Approved as to form:



Essex County Counsel
 Courtney Gaccione

COUNTY OF ESSEX



Date: Joseph N. DiVincenzo, Jr.
 Essex County Executive

ATTEST:

Louis E. Imhof III

Louis E. Imhof, III, Clerk

Approved as to form:

William C. Savarel
Passaic County Counsel
III

COUNTY OF PASSAIC

William J. ...

Date: 7/2/16

COUNTY OF PASSAIC

By: Theodore O. Best, Jr.
Theodore "TJ" Best
Freeholder Director



COUNTY OF ESSEX, NEW JERSEY
BOARD OF CHOSEN FREEHOLDERS

State of New Jersey, }
County of Essex } ss

I Deborah Davis Ford Clerk of the Board of Chosen

Freeholders of the County of Essex in the State of New Jersey

Do Hereby Certify, the foregoing to be a true copy of a resolution adopted at a

meeting of said Board on Wednesday

the 10th day of August, 2016 together with the

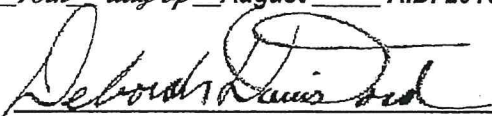
certification, signatures and endorsements thereon.

RESOLUTION NO.

R-2016-00637
R-2016-00638
R-2016-00639
R-2016-00640
R-2016-00641
R-2016-00642
R-2016-00643
R-2016-00644
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R-2016-00669
R-2016-00670

*In Testimony WHEREOF, I have hereunto set my
hand and affixed the official seal of said County at
Newark this 16th day of August A.D. 2016*


Clerk

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**RESOLUTION OF THE BOARD OF FREEHOLDERS
COUNTY OF ESSEX**

RESOLUTION NO. 2016-00148 AUTHORITY FOR RESOLUTION: N.J.S.A. 40:41A-38(n)

PROPOSED BY: COUNTY EXECUTIVE AUTHORITY FOR ACTION: N.J.S.A. 40:41A-36(i)

SUBJECT:

DEPARTMENT OF CITIZEN SERVICES, DIVISION OF YOUTH SERVICES, AMENDMENT TO AGREEMENT BETWEEN THE COUNTY OF PASSAIC AND THE COUNTY OF ESSEX FOR HOUSING PASSAIC COUNTY JUVENILES EXTENDING THE TERM OF THE AGREEMENT THROUGH DECEMBER 31, 2034

WHEREAS, the County of Essex operates the Juvenile Detention Center (ECJDC) under the Department of Citizen Services, located on 80 Duryea Street in the City of Newark with an approved capacity of 242 beds; and

WHEREAS, in 2005, Essex County became one of the initial counties to participate in the Juvenile Detention Alternative Initiative (JDAI); and

WHEREAS, the objective of JDAI is to reduce overcrowding in juvenile detention facilities and expand the number of detention alternative programs available; and

WHEREAS, Essex County's success in the implementation of JDAI and other measures has created the availability of beds at ECJDC; and

WHEREAS, by Resolution #2009 - 00220 the County of Essex enter into an agreement with the County of Passaic to provide secure detention for Passaic County juveniles remanded by the courts; and

WHEREAS, the parties desire it's in the best interest of both counties to amend the current agreement per the term of the amended agreement attached hereto and made part hereof; and

WHEREAS, pursuant to the Local Public Contract Law N.J.S.A. 40A:10-11(a) and the Uniform Shared Services and Consolidation Act N.J.S.A.40A:65-1 et seq. the Counties of Essex and Passaic have the legal authority to enter into an agreement for the housing of Passaic County Juveniles; and

NOW THEREFORE BE IT RESOLVED, by the Board of Chosen Freeholders of the County of Essex that it hereby authorizes the amendment to the shared services agreement by and between the County of Essex and the County of Passaic for housing of Passaic County Juveniles at the Essex County Juvenile Detention Facility for the period April 1, 2009 through December 31, 2034 pursuant to the terms and conditions set forth in the attached proposed document which is adopted by reference; and

BE IT FURTHER RESOLVED, that the County Executive and Deputy Clerk to the Board be authorized to execute this Shared Services Agreement on behalf of the County of Essex; and

BE IT FURTHER RESOLVED, that a copy of this Resolution with the amended Agreement shall be open for public inspection at the Office of the Clerk to the Board after adoption of this Resolution; and

BE IT FURTHER RESOLVED, that the Clerk forward two (2) copies of this resolution and amended agreement to Courtney Gaccione, Essex County Counsel.

BE IT FURTHER RESOLVED, that upon execution of the amended Agreement by both Counties the Clerk to the Board shall forward same with a certified copy of this resolution to the State of New Jersey, Division of Local Government Services in the Department of Community Affairs.

Approved as to form and legality Anthony Acciure Date 7/26/16

ESSEX COUNTY COUNSEL

RECORD OF VOTE (X=Vote N.V.=Abstention ABS=Absent)

Moved By Freeholder Bobadilla
 Second by Freeholder Jones

Freeholder	Yes	No	N.V.	ABS	Freeholder	Yes	No	N.V.	ABS
Bobadilla	X				Richardson	X			
Gill, V.P.	X				Sebold	X			
Johnson	X				Timberlake, Pres.	X			
Jones	X				Toro				
Luciano				X					

It is hereby certified that the foregoing Resolution was () adopted () defeated () tabled by roll call vote at a Regular meeting of the Board of Chosen Freeholders of the County of Essex, New Jersey held on Aug 10, 2016.

Is Publication Required () Yes () No

Date Published _____

Britnee N. Timberlake
 Britnee N. Timberlake, President

Amended - Juvenile Detention Center - Passaic County