

**Memorandum of Understanding
“Raise the Age” Compliance Coalition**

Pursuant to this **Memorandum of Understanding** dated the 1st day of March, 2018, and executed by and among the Counties named on the signature page of this document (“the Municipalities”), do hereby organize and create the “Raise the Age” Compliance Coalition in accordance with the following:

WITNESSETH

WHEREAS, on April 10, 2017, Governor Cuomo signed into law “Raise the Age” legislation that was included as part of the State Budget; and

WHEREAS, the vast majority of cases of 16- and 17-year-olds charged with criminal offenses will ultimately be heard in the Family Court, either originating there or being transferred there from a new Youth Part of the adult criminal court/superior court;

WHEREAS, under “Raise the Age,” no 16- or 17-year-old will be sentenced to or detained in a facility with adults; youth whose cases are heard in Family Court will be detained or placed in OCFS-operated, OCFS-licensed, or ACS facilities (including Close to Home), as Juvenile Delinquents currently are; while Adolescent Offenders who are detained pre-trial will be held in a specialized secure juvenile detention center for older youth, which will be certified and regulated by OCFS in conjunction with the state commission of correction; and

WHEREAS, these “Raise the Age” detention provisions will create challenges for the counties of New York State, in attempting to comply with the edicts of same; and

WHEREAS, the Municipalities share a common interest in developing “Raise the Age” Compliance resources, procedures and protocols; and

WHEREAS, the Municipalities are acting in accordance with section 119-o of the New York State General Municipal Law, to cooperatively create a “Raise the Age” Compliance Coalition for the purpose of fulfilling their respective public purposes, needs, objectives and programs,

NOW, THEREFORE, BE IT RESOLVED:

The participating Municipalities agree as follows:

1. The Municipalities who sign this Memorandum of Understanding have joined with the intention of working collaboratively on the following project of mutual benefit: Retention of expert professional consulting services and identification of proposed contract deliverables, fees and expenses for

the municipalities related to compliance with the detention mandates created by the "Raise the Age" legislation.

2. This working collaboration shall consist of various county representatives and function as follows:
 - a. One representative of each municipality, chosen by that municipality, shall constitute the "Raise the Age" Compliance Coalition and will meet in at least one regularly scheduled meeting per month and more frequently as the "Raise the Age" Compliance Coalition may determine.
 - b. With respect to any decisions, each municipality shall have one vote.
 - c. A majority of the total number of representatives shall be required for a quorum at any meeting.
 - d. A majority of the total number of representatives shall be required for a passage or approval of action at any meeting.
3. The Memorandum of Understanding does not entail any fixed fees for participation, however, participating municipalities shall, to the extent deemed necessary by any such municipality, contribute appropriate in-kind services or their own out of pocket expenses necessary to effectuate the negotiation of a resulting proposed consulting agreement.
4. Absent a separate written agreement executed by and binding upon those municipalities who wish to so engage in the same, nothing herein binds a participating municipality to: i) execute any resulting consulting agreement; ii) expenditures of funds, resources or in-kind services for such consultant; iii) retention of professional or other services, iv) purchases or acquisitions, v) acquisition and/or construction of any detention facility; or vi) entering into an agreement with a third party.
5. Any participating municipality may opt out of this Memorandum of Understanding upon 30-day notification to the other participating counties.
6. By their signatures below, each signatory certifies and affirms that he or she has read the entire memorandum and has the authority to bind their respective municipality to the understandings and representations herein.

Signature Page

IN WITNESS WHEREOF, the following parties, intending to be legally bound to the extent described above, have hereunto executed this Memorandum of Understanding the day and year first written above.

The County of Allegany

BY: _____
[Name and Title]

The County of Chemung

BY: _____
[Name and Title]

The County of Cortland

BY: _____
Charles Sudbrink, Chair of the
Legislature

The County of Livingston

BY: _____
[Name and Title]

The County of Ontario

BY: _____
[Name and Title]

The County of Schuyler

BY: _____
Dennis A. Fagan, Chair of the
Legislature

The County of Seneca

BY: _____
[Name and Title]

The County of Steuben

BY: _____
[Name and Title]

The County of Tioga

BY: _____

The County of Tompkins

BY: _____
[Name and Title]

The County of Yates

BY: _____
[Name and Title]