



Committee on Disaster Recovery and Infrastructure- Thursday, June 9, 2021

Legislature USVI

June 9, 2021 · 2.9 hours · gov

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- 0:00:00 We'll be right back. Thank you. [2 such phrases repeated 11 times · standby audio before the proceeding, transcribed by the recogniser as speech]
- 0:05:30 Thank you. Thank you. Thank you.
- 0:07:00 Thank you. All right. Thank you. Thank you. Thank you. We'll be right back. We'll be right back. Thank you. Thank you. Thank you. We'll be right back. Thank you. We'll be right back. Thank you. All right, all right, all right. We'll be right back. Thank you. We'll be right back. Thank you. We'll be right back. We'll be right back. We'll be right back. Thank you. good morning to the people out of virgin islands good morning to my colleagues good morning to the the testifiers today's June 9th 2021 and the Committee on Disaster Recovery and Infrastructures hereby called to order. Madam Clark roll call. Senator Marvin A. Blyden. Senator Blyden present. Senator Samuel Carrione. Senator Carrione absent.
- 0:19:18 Senator Franklin D. Johnson. Senator Johnson present. Senator Carla J. Senator Joseph? Present. Senator Joseph? Present. Senator Janelle K. Saru? Senator Saru? Present. Senator Court A. VLA? Senator VLA? Absent. Senator Genevieve Whitaker? Present.
- 0:19:44 Senator Whitaker? Present. Madam Chair, we have five present, two absent. Thank you. Madam Clerk, can you read today's agenda into the record? um before we proceed can you mark center carry on as present and is there can you read it as agenda to the record please the committee on disaster recovery and infrastructure has scheduled a meeting for wednesday june 9th 2021 at 10 a.m in the fritz e lewitz conference room on st croix to receive updates on all initiatives projects and processes that are related to the recovery of the facilities under the jurisdiction of the Virgin Islands Bureau of Corrections as well as updates on the recovery of the facilities that fall under the jurisdiction of the Virgin Islands Department of Human Services block 1 the committee will receive testimony related specifically related to the recovery

of the facilities under the jurisdiction of the Virgin Islands Bureau of Corrections. Invited testifiers, Winnie Testamark, Director, Virgin Islands Bureau of Corrections, Adrian L. Williams-Octiline, Director, Office of Disaster Recovery. Block 2, the committee will receive testimony related specifically to recovery of the facilities that fall under the jurisdiction of the Virgin Islands Department of Human Services. identified testifiers Kimberly Cassie Gomez Commissioner Virgin Islands Department of Human Services Adrian L Williams after lean director office of disaster recovery madam chair that completes today's agenda thank you madam clerk is there any correspondence to be written to the

0:21:39 record at this time yes madam chair june 9 2021 honorable j k saru chairperson committee on disaster recovery and infrastructure 34th legislature of the virgin islands capital building po box 1690 st thomas usvi 00804 there is senator saru due to previously scheduled engagements, I will not be present at today's committee on disaster recovery and infrastructure hearing. I apologize for any inconvenience my absence may cause. While I am not able to participate, I look forward to receiving the transcripts to receive an update on initiatives related to the recovery of facilities under the jurisdiction of the Virgin Islands Bureau of Corrections and the Department of Human Services. Thank you for your kind consideration in this matter respectfully court a via senator 34 legislature of the virgin islands thank you madame clark please mark senator via as excused colleagues today we have the bureau of corrections before us and of course our um our forever testifier the office of disaster recovery director octoline williams octoline um good morning director test the mark let's do a sound check please can you say one more can you try again one more time director test the mark good morning good good morning director acteling good morning thank you um the top right corner can you give us a sound check? Glasses? Can you tell us your name? Oh, Mr. Abraham, sound check.

0:23:33 Good morning. Can you hear me? Yes. Name? Peter Abrahams, Programs and Grants Manager, BOC. thank you and to the bottom sorry i can't read these little small names i can you identify yourself on your position good morning i'm ben adams i'm the assistant warden cjc st thomas thank you good morning mr adams thank you at this time director act i mean director testimony may proceed with your testimony thank you good morning chairman several members of the committee on disaster recovery and infrastructure and other distinguished members of the 34th legislature and the listening and viewing audience i am uni testament director of the virgin islands bureau of corrections thank you for this opportunity to discuss the bureau's ongoing efforts to recover from the devastation caused by hurricanes irma and maria in 2017 at the bureau of corrections we run a 24-hour operation we're never closed when those powerful storms struck in september 2017 our staff was on duty and our facilities were open thanks to the heroic work of our staff we maintain our operations and continue to feed care for and shelter our inmates even while those historic storms destroyed the alba a swan annex in surveys and caused extensive damage at the john a bell adult correctional facility

0:25:22 on sinkhole the dedicated men and women of the bureau of corrections who ensured continuity of operation despite extreme circumstances deserve our recognition and gratitude I want to thank them publicly for the sacrifices made and hardships endured to safeguard our community while protecting those entrusted to our care during those very difficult days. The spreadsheet provided to the committee with the assistance of the Office of Disaster Recovery lists the Bureau's disaster recovery projects. In dollar terms, the single biggest loss suffered by the Bureau because of the 2017 hurricanes was the destruction of the Swan Annex. The Swan Annex served as the main pretrial detention center on St. Thomas before it was destroyed by Hurricane Irma. It has been abandoned ever since. When Governor Albert Bryan Jr. nominated me to be the director in February of 2019, the Federal Emergency management agency offer would have left the virgin islands with only three million dollars to repair the swan annex i felt that that offer was far too low given the destruction of the building and the true cost of making that facility functional and up to industry standards with the help of widow brian the virgin islands government disaster recovery consultant we fought for more than a year to convince fema that the swan annex needed to be completely replaced and brought up to code not just simply prepared we appealed fema's first two offers and in doing so the bureau became

0:27:12 the first local agency to successfully complete the independent expert panel review which is used to challenge fema's award decisions that challenge resulted in a revised fema obligation in october of 2020 totaled 17.6 million dollars to completely rebuild the swan annex after cost share and insurance deductions the amount of the award available to rebuild the swan annex comes to 14.2 million dollars our steadfastness and determination and our collaboration with our partners at widow brian and odr have paid big dividends for the people of the virgin islands this final fema award is 500 percent more than what was initially offered since this final fema award in october 2020 the bureau has been working diligently with odr and the dr group on a conceptual design for a new 203 bed state-of-the-art facility to replace the swarm annex the bureau's preliminary plans envision a facility that will meet the needs of the virgin islands for the foreseeable future that will be built to industry standards we anticipate that the new swan annex will one be a direct supervision jail requiring significantly fewer correctional officers to operate two will have a mental health unit to treat and house detainees who need adequate behavioral and mental health care while they await disposition of their criminal cases three

will have an infirmary with a medical screening area with rooms designed to house

0:29:05 detainees who are suspected of carrying infectious diseases like covid19 to prevent contamination of other detainees will include a dental suite allowing detainees and inmates to receive dental care on-site thereby reducing the correctional resources needed to transfer them to off-site dental appointments it will also have a staff training and fitness area to improve staff readiness and morale and last but not least it will have adequate space to perform modern jail operations in a secure intact integrated setting thereby removing many of the impediments that have prevented the Virgin Islands from getting out of the under the 27 year old St Thomas consent decree. We anticipate the design phase to be completed by December 2021.

0:30:02 This design will be reviewed by the Department of Public Works and if approved converted into a request for proposal that will be put out to bid. Just as the Bureau was vigilant in negotiating with fema to get the most recovery funds possible for a rebuild of the swan annex we also intend to be vigilant in making sure that every one of the 14.2 million dollars fema awarded adds value to the bureau for the benefits of the people of the virgin islands though not destroyed john bell suffered extensive damage from the 2017 hurricanes the scope of that damage is a matter of dispute between fema and the bureau bureau managers and widow brian have painstakingly identified hurricane related damage throughout the facility yet fema has questioned whether some of that damage either pre-existed the storms or was unrelated to storm damage we are in ongoing discussions with fema concerning these Is there anyone, can the camera be zoomed in to you so we can see you?

0:31:20 Is that possible? I don't know. She's going to try now. The tech support team is in the room with you. Yes, she's doing it now. Thank you. Is that better? All we've seen are like heads around tables. If we can just zoom in to you while you read your testimony.

0:32:09 Is that the closest they can go? They're pulling it a little closer. Okay.

0:32:36 Okay. Sorry for the intermission. In the meantime, I want to recognize the presence of the Senate Vice President, Senator Nobel Francis, and then the committee stands in recess until we address that. The committee stands in recess. We'll be right back. Thank you. uh Thank you. We'll be right back. We'll be right back. Thank you.

0:36:36 The committee is back on the record, Director Tessa Mark. It's still a mile away, but it's not two miles away this time. Okay. Okay, you may proceed. Okay. Though not destroyed, John Bell suffered extensive jet damage from the 2017 hurricanes. The scope of that damage is a matter of dispute between FEMA and the Bureau. Bureau managers and Whit O'Brien have painstakingly identified hurricane-related damage throughout the facility. Yet, FEMA has questioned whether some of that damage either pre-existed the storms or was unrelated to storm damage. We are in ongoing discussions with FEMA concerning these issues, and we have requested a high-level meeting with FEMA leadership to press our case. Both sides agree, however, that the roof at John Bell suffered damage from the hurricanes, and none of the hurricane-related damage to the interior of John Bell can proceed until the roof is fully repaired. The Bureau has been making temporary repairs to the roof to keep the facility operating while continuing its discussions with FEMA over the scope of repairs at the facility. Finding a qualified contractor to repair the roof at John Bell at a reasonable cost has proven to be quite the challenge. In collaboration with the Department of Public Works, the Bureau has put the contract for the John Bell Roof Repair out for bid twice. Both times the bids were either too high or too low based on the specifications in the bid sheets. We are working with our partners at DPW to re-bid the contract a third time

0:38:42 with modifications to the description and scope of work that will hopefully attract more responsive bids although fema awarded over 400 000 to remediate mold at john bell that project has been put on hold until the roof is completely repaired the temporary repairs that the bureau has been making to the john bell roof to keep the facility operating are neither extensive nor permanent enough to permit comprehensive more remediation to proceed while we wait for these comprehensive roof repairs the bureau has been doing as much as possible to reduce and minimize the presence of mold at the facility other fema disaster recovery projects for which funds have been obligated are being amended such as the parking lot and perimeter road projects for 514 000 hours the bureau has submitted a request amendment for this parking lot project that includes flood mitigation proposals to relocate the parking lot so that it is not rebuilt in a flood plain in addition the bureau fought long and hard for a time extension and amendment to the temporary office project for which forty one thousand six hundred and fifty dollars has been obligated the amendment also included the purchase of a 550 square foot temporary modular facility to house displaced dental care services for prisoners the bureau received partial approval for this amendment last friday our request to amend the project to increase the amount of lease space was also approved fema's approval of our proposed amendment shows great progress and is further proof that

0:40:34 collaborative hard work with our disaster recovery partners pays dividends other disaster recovery projects like the 384 000 awarded for the swan annex and the franklin building contents have conditions precedence conditions that must

logically exist before the obligated funds can be spent the franklin building for instance house abuse administrative offices on st thomas before it was damaged and rendered uninhabitable by hurricane armor although fema has awarded funds to replace the lost contents those funds could not reasonably be spent until the bureau acquire a permanent office for its administrative staff in st thomas now that the bureau has secured new office space within the past 30 days it will seek reimbursement from fema for those for the cost of furnishings its contents and at the bureau office at the william robert industrial park of st croix we will begin drawing down the 81 000 in fema funds to replace destroyed contents even as we continue with repairs with respect to the 244 000 fema award for purchasing a new generator at john bell i am happy to report that those funds has have fully been expended we now have a new 900 kilowatt generator for john bell online and fully functional that can power the entire facility in the event of an outage also we recently purchased a 375 kilowatt diesel generators at a steep discount to facilities to back up the 900 kilowatt generator that is now

0:42:23 functional at john bell remember that the bureau facilities never close we need a reliable power source 24 hours a day seven days a week and with the help of femas award we have the backup power we need at john bell to weather any contingency my staff can answer any specific questions the committee may have on any of those projects listed on the spreadsheet Finally, I would like to touch on our two COVID-19 recovery projects. The largest by far is the roughly \$1.2 million that has been obligated for correctional officer overtime. In response to the unprecedented public health emergency created by COVID-19 pandemic, BOC promptly implemented 12-hour shifts for all its correctional officers and supervisors on march 15 2020 two days after the governor declared a state of emergency we anticipated that if there were ever an outbreak at a facility at a bureau facility or step or several of our officers fell ill our already chronic staff in shortage would worsen moving to 12-hour shift gave the bureau the flexibility of providing greater coverage with fewer officers but the cost of implementing 12-hour shifts five days a week for roughly 100 correctional officers and supervisors was unplanned unbudgeted and substantial the 1.2 million dollar fema award currently under is currently under level 2 review is intended to reimburse the bureau for those unexpected overtime costs in retrospect the the Bureau's implementation of 12-hour shifts turned out to be timely and beneficial. As we soon learn, congregate live-in facilities like prisons and jails were especially vulnerable to COVID-19.

0:44:23 Thankfully, John Bell has remained COVID-19 free since the pandemic began. But when the Alexander A. Farrelly criminal justice complex on St. Thomas suffered an outbreak in August of 2020, and some of our staff became infected, the Bureau's early implementation of our 12-hour shifts made it possible to maintain our operations with minimal disruptions. The other COVID-19 disaster recovery item is for PPEs and other supplies that were purchased at the start of the pandemic with the Bureau's funds. In conclusion, the Bureau is making steady progress in obtaining funds for the disaster recovery projects created by 2017 hurricanes and the COVID-19 pandemic. We continue to face challenges such as streamlining the contracting process, and in some instances, persuaded FEMA that the damages we suffered were in fact hurricane related. But we continue to approach our discovery, recovery projects with the same tenacity that finally led to the \$14.2 million award the swan addicts rebuild i cannot promise you that all our recovery projects will meet the same success but i can promise you that the bureau of corrections will continue to work with persistence and resolve to get maximum recovery dollars for the people of the virgin islands madam chairperson and committee members thank you for allowing me to testify before you today my staff and i look forward to your questions thank you director for your testimony director octolin thank you good morning senator janelle k siru chairman of the 34th legislature's committee on disaster recovery and infrastructure other members of the committee fellow testifiers and

0:46:22 the listening and viewing audience i am adrian l williams octolin director of the virgin islands office of disaster recovery and thank you for the opportunity to provide the status of recovery projects and initiatives of the virgin islands bureau of corrections the office of disaster recovery has been providing centralized oversight of federal disaster recovery funds across all governmental departments semi-autonomous agencies and private and non-profit entities as the recovery presses forward our office has continued to ensure the compliant approval and expenditure of federal recovery dollars and fulfilling the agency's main goals get access to recovery funds spend those funds and of course to spend those funds correctly as of may 31st 4.5 billion in recovery funds have been obligated to projects within the territory representing more than half of half or 56 percent of the anticipated eight billion dollars in obligations across various disaster recovery funded programs of these obligated funds 1.9 billion or 24 percent have been expended to date the 2017 storms mercilessly upheaved all aspects of governmental operations and the bureau of corrections facilities were not spared damages to all of its facilities contributed to significant setbacks, including the need to transfer inmates and the deterioration of its structures. To support the restoration of these facilities, 16 project applications were developed for funds from FEMA Public Assistance Program. The Office of Disaster Recovery assists the BOC team to ensure that funding for disaster recovery projects is received and expended.

- 0:48:10 To date, 13 of those projects have been funded, with two still moving through FEMA's approval process with the remaining project pending appeal of an ineligible determination. BOC has a total of \$16.8 million obligated across 13 projects with \$261,000 expended. Of the \$16.8 million obligated, \$728,000 is allocated to emergency work, \$15.2 million will be utilized to address all permanent projects, and \$872,000 is for management costs. Perhaps the most challenging of all BOC's projects is the John A. Bell Adult Correctional Facility, more commonly referred to as Golden Grove. This project is slated as an alternative 428 project or fixed cost project since its initial development it remains essentially stuck in the very first stage of the process agreeing on the damages to date the damage description and dimensions or ddd's remains under review by fema after numerous site inspections fema continues to challenge the eligibility of damages identified by boc fema has questioned whether the damages that the structures received were pre-existed or actual damage from Hurricane Maria. Despite numerous documentation submissions to include engineering reports validating the eligibility of structural and electrical damages, FEMA continues to push back on the territory's claim. In a June 4th meeting recently facilitated by ODR, FEMA agreed to finalize its review and provide formal correspondence for both the electrical report and the BOC attestations regarding the interim temporary work that was completed to keep the facility functional.
- 0:50:08 The St. Thomas temporary jail request is the BOC's other remaining unobligated project and has been pending FEMA determination since October of 2020. FEMA has verbally advised the ODR that the request for a temporary jail to house inmates while the permanent jail is being repaired will be denied. ODR continues to follow up with FEMA leadership as it is critical for temporary arrangements to be made before the commencement of the replacement project for the Alva A. Swan Annex. The inmates will require temporary facilities while this project is underway. The Bureau of Corrections has a total of 13 projects obligated projects exceeding 6.8 million dollars boc has funds obligated for the replacement of alva a swan correctional facility and repairs to the parking lots perimeter road and lighting as well as mold remediation for the golden golden grove facility in october 2019 the bureau of corrections received 14.2 million dollars to fund the demolition and reconstruction of Alva A. Swan annex. During the 2017 storms, high velocity winds caused a large portion of the roof to be torn off. These funds will be used to ensure that the new building complies with all governing codes and requirements. The DLR group is currently providing the bridging documents for the conceptual design of the facility, which should be complete by the end of this month. The expectation is that the final design will be ready for December 2021 so that construction solicitation can be released in the first quarter of 2022.
- 0:51:47 FEMA has approved \$513,000 to repair the parking lots and perimeter road for the John A. Bell Correctional Facility. BOC has requested additional funding to include mitigation measures as the parking lot is prone to flooding. The hazard mitigation proposal outlines several measures to include a slope to improve water damage from the parking lot and roadway. Additionally, BOC has proposed to relocate one of the parking areas to an existing open area to the east of the complex. Today, FEMA continues its review of the amendment requests. Simultaneously, BOC is working to develop the scope of work to begin the solicitation process. Similar to the parking lots and perimeter road, BOC submitted an amendment to request to FEMA for a perimeter lighting project on May 11, 2021. Specifically, BOC is requesting additional scope to include labor and excavation for the new wire and lights. BOC is working to develop the scope of work to begin the solicitation process. FEMA obligated \$426,000 from BOC to remediate the mold growth at six specific locations throughout the Golden Grove facility. After several iterations of the scope of work It was revised by the Department of Public Works. The project is expected to be submitted to the Department of Property and Procurement for solicitation this week. BOC has completed two temporary projects that account for \$261,000 in expenditures based on the security lighting installed and the generators used at the Golden Cove facilities after the hurricane. And today, BOC continues to move forward with repairs to six vehicles that sustain damages during the disaster. The BOC's rental office at the William D. Roebuck Industrial Park was obligated for \$80,000 for the replacement of contents. Additionally, FEMA obligated \$384,000 for damaged contents in the
- 0:53:46 Alva A. Swan Annex and the Franklin office building. Once these contents are purchased, BOC will then seek reimbursement for those costs. The BOC's Office on St. Thomas was obligated \$41,000 towards damages sustained during Hurricane Irma. The Bureau has submitted an amendment and time extension request to FEMA. The amendment covers an additional \$845,000 for temporary administrative office space and a modular dental unit. And as of June 4th, the BOC received notification of the partial approval from FEMA for the temporary modular dental unit. BOC's request for temporary administrative spaces for the Franklin Building and the John A Bell Correctional Facility are denied.
- 0:54:32 FEMA will notify BOC of the final approved amount via obligation. Prior to the June 18th deadline, BOC is scheduled to submit an appeal to ODR for the denial of eligible costs incurred for both the transfer of inmates from the Alva A. Swan Annex to the Golden Grove Correctional Facility and subsequent transfer of inmates to mainland facilities. FEMA's denial position is that BOC's incurred increased costs for housing of existing prisoners are operational costs and ultimately not covered under FEMA's evaluation and sheltering policy. At the Hurricanes Irma and Maria, BOC, like

many other agencies, struggled to manage their recovery projects and daily operations in a post-disaster environment. Navigating the FEMA process demands a substantial amount of time and effort. It was quickly identified that BOC did not have the initial capacity needed to adequately address the development of critical projects necessary to house its population safely. ODR assisted with developing a disaster recovery specialist position and championed the need for approval from the Office of Management and Budget. The position was approved and BSC was among one of the first agencies to implement the position. Through the onboarding of disaster recovery specialists and ongoing training, BOC is making progress. The Bureau continues to establish and track deadlines to ensure success across all disaster recovery initiatives. While challenges remain, the ODR continues to meet with FEMA's leadership to guarantee BOC's priorities are conveyed. It is a priority for ODR and the administration to finalize the Golden Grove DDD agreement and appealing decisions. Our office remains steadfast in its obligation to ensure that the territory and the remaining BOC projects receive the maximum allowable amount of funding. My team and I express our gratitude to Director Testamark and her team for their determination and will do the work necessary to get the job done Madam Chair thank you for the opportunity to testify today and this concludes ODR's update on the status of BOC's recovery

0:56:45 projects and I remain available to answer any questions you may have thank you thank you Director Acteline I think by this at this point you should be able to memorize paragraph one paragraph two one I don't want anyone to ever forget I was in tune into the last hearing that's how we always begin get the money spend the money good we appreciate it colleagues we're going to a seven minute round at this time the first three senators are Senator Blyden, Joseph, and Johnson. Senator Blyden?

0:57:37 Thank you Madam Chair, good morning to my colleagues. Hold a second Senator Blyden. Sure. Is teams up? Okay. Senator Blyden? Thank you. Again Madam Chair, good morning to my colleagues. If you're in the listening audience, central staff and good morning to the testifiers and thank you so much for your testimony this morning as we can see with many of our recovery projects we had the mercy of FEMA and you know pushback that we receive on a regular basis when it comes to us receiving the proper funding for our recovery in many of our different agencies but nonetheless let me ask some director testimonial good morning to you again you spoke in a testimony specifically to the area that got hit the hardest which was the annex here in the same Thomas St. Down District and you spoke in your testimony to the three million dollars that was estimated based on FEMA's assessment when it came to the damages but as you said in your testimony you pushed back with the help of Wade O'Brien and you were able to receive 17.6 million dollars and after you paid them their management costs you're going to receive at least 14.2 which is of 500% increase from the initial offer, and I'm happy to see that. Let me ask you briefly, though, because that annex we said is going to be in a new facility, it's going to be 203 beds. What's the capacity now as we speak?

0:59:32 The capacity for? The one that was destroyed. The annex. it was over a little hundred about 100 103 okay so how so how did we come up with that number 203 um for the reveal but to include um the current facility where they're being held now at the complex and in addition to that that facility um when we build in now we build in with all the requirements for jail um the different classification of inmates that will be held there and a medical unit and a mental health unit okay see basically said it's going to be more effective and efficient because in your testimony you also spoke to um utilizing fewer correctional officers to operate that facility um what's the number of officers you have on board right now and are there any slated to retire in a short term also currently at the cjc facility we have 32 correctional officers and the next question was and are there any slated to retire in a short term yes we currently have about six that's um they're eligible to retire um they have not put in their paperwork to retire but they're eligible to retire and what the number of um correctional officers do you believe will be necessary to run the new facility once um completed well we're currently in the design phase and it's it's an initial space so i won't be able to give that number to you at this moment but it will definitely be lower based on the design best practices is direct supervision um so you couple that with um cameras um and based on national standards it will definitely be fewer than what it is now based on the design that we have currently in place okay let me actually um further on that line of questioning based on the design

1:01:41 etc and national standards um what the national standards when it comes to poor inmates how many inmate um should it be poor correctional officer based on national standards based on national standards you have some facilities is 65 to one okay in this presence you have um you can go as high as 100 to one so i just said um so basically it's gonna be much less correctional officers to run that facility based on i just said a design and national standards so understood okay let me actually when it comes to um cost savings when it comes to um the new bill and and off of ireland um dental um appointments when it comes to transfer because you also stated that uh it will include a dental suite right allowing inmates to receive dental care what are you paying right now for those individual to to travel off island to get dental care so what type of cost savings are we talking about once um completed the inmates don't travel off island they travel off site meaning that they leave the facility and they go to a clinic um they go to east clinic or they go to the doctor's office the dental office there in the um two minutes understood so you said we're going to see cost savings do you anticipate

what type of savings we will see as a result of that yes that is correct because currently you'll need two officers not to go into much in security our security procedures however you will utilize a minimum of two officers to transport an individual um to the clinic and that will in in us having the suite there at the facility that will cut

1:03:32 down and transported inmates off-site okay let me let me ask you um um the biggest um headache you guys are dealing with this femur and you stated also that you're requesting a high level meeting with femur leadership to press your case moving forward do you have any idea um have you done so and do you have any idea when this meeting is going to take place um we i will refer to miss williams but senator that meeting was was we had that discussion i had a meeting with that john cavell the recovery director and now they are pending a response to us with all of the information that has been submitted to them so we're now waiting on a decision from that discussion that was had um so i understand um the process and the red tape but in the interim um because based on the both of you guys testimony in the in the interim, when it speaks to mold, et cetera, that's occurring in the facility, what measures are taking place to assist in reducing those type of occurrences as a result of us waiting and waiting and waiting for FEMA to do what they have to do? What type of measures are being taken?

1:04:57 Yes, thank you for that question, Senator. In the interim, we are working get the solicitation out so we can get the roof the roof repaired um as director tester mark mentioned that solicitation went out several times and we have now we've revised it another time another um iteration of that scope of work and expect it to go out to bid this week or to to property and procurement to go out to for the solicitation to begin so we anticipate that once the repairs are done to the roof that the remediation can can commence no the roof caves in while we're waiting um i mean what what is there anything that can be done in the interim to assure the safety of our people because in the interim something can happen then who's going to be held responsible for that do you understand what coming from yes i mean this i i we totally understand um the the fact that we are using these federal funds we do have to do the solicitation but everyone has a high alert um for that once it hits for instance once it hits the property and procurement that this is a priority project that it goes up right away and try to get that work started as quickly as possible i believe this is an extenuating circumstance and we cannot wait because life is precious it's priceless and i believe there should be some some way that we can convince female that we need to do some now and i have to be waiting in an interim until something can be done so if you can have that conversation with them i would really appreciate that thank you so much madam chair for the time and thank you for your responses thank you senator joseph point of inquiry senator carrion

1:06:43 good morning uh madam chair good morning to my colleagues and to the testifiers I just have a question related to what my colleague just mentioned. Apparently from testimony, there are six rooms that have been affected by mold. Are those areas or those locations currently being used? Is it housing inmates or staff? Those areas are currently being used, some of them, and they are being mitigated by bleach and water.

1:07:17 So there's currently some remediation taking place, that's why the colleague was asking what in the interim is the agency doing to remedy this issue with the mold. So there's some activity taking place there to remediate the mold problem. That's what you're saying.

1:07:46 Director, yes, yes. We have stepped up the cleaning and again, we have been utilizing bleach and water to help reduce the mold in those areas. And last, lastly, how frequently is that happening? That is done daily. Daily, yes. Thank you for your response. Thank you, Madam Chair. Whatever increase Senator Johnson. good morning good morning to all listeners testifiers I realize in your testimony you said we are working with our partners at the Department of Public Work to rebid the contract at our time with modification to the description of the scope of work are we modifying the scope of work to attract a particular better why are we modifying the scope of work if these damages are there and we send out these bids for proposal why are we modifying the damages that are there in the facility senator I could take that question the modifications is not on to modify the scope of the it's to clarify because the the reason why they was the bids were not successful because we feel that the scope was not clear enough so that we can get adequate bids so all of those questions that were asked to be able to be the clear scope so that we can ensure that we get proper bids to move the project forward and not have to throw the bids out so it's just clarification on the scope to make sure that the bids can be viable well i was just going based on what's in the testimony with modification

1:09:32 to the description of the scope of work thank you very much you're welcome senator josa before you proceed sorry senator joseph director teslamar can you identify um for the listening of your audience and for our recorders um the the folks you have testifying with you today please if you don't mind yes on my right i have miss loretta lorenz she's our disaster recovery specialist my far right i have boc legal counsel mr vidal i have mr anthony hector who's at interim rewarding at the golden grove correctional facility john abel on my left i have mr riel partner who's our assistant director of white administrative services and compliance i have mr kaiser collwood who's our chief strategist officer and i have mr walker who's our facility manager for the bureau i also have mr hassel who's our interim assistant warden and i also have

mr peter abrams who's joining us virtually he is our programs and grants manager and i have mr ben adams who is our assistant warden over at the cjc facility in st thomas and i have miss kathy monroe who's our fiscal manager here in the room also thank you so much senator josa thank you madam chair a pleasant good morning colleagues a pleasant good morning to you

1:11:19 madam chair listening and viewing audience uh also a pleasant good morning to uh testifiers i wanted to ask some questions relative to your testimony director testemark and i really want to thank you for presenting your testimony moreover you mentioned in your testimony on page five that the bureau has secured new offices in the saint thomas st john district since you've had to to abandon the Franklin Building due to the hurricanes. Where are these new offices located, and what is your rent?

1:12:04 On a monthly basis. On a monthly basis. Excuse me? On a monthly basis. Good morning, everyone. Kelvin Vidal, Bureau of Corrections, legal counsel. Right now, we are in the process of moving into a new facility, and the lease has not been finalized, and payments have not been made, but we are in the process of moving into a new location, and right now, we're located at a sub-based location, which is right beneath the Department of Property and Procurement. Okay, attorney, and so is it that your position, you can divulge where you are planning to move? Not at all, ma'am. That is not what I'm saying. So if you could be so kind to divulge where you're planning to move. That's my question. Absolutely, Senator. Right now we're planning to go to 9160 Thomas, on St. Thomas. The monthly rent for that waterfront property is scheduled to be approximately \$15,000, which amounts to about \$180,000 per year.

1:13:32 I'm so sorry attorney, please forgive me. I just need to get to the meat of the matter. What is the square footage of this facility you will be renting, that the BOC will be renting? And precisely uh where is it located in st thomas you said it's waterfront property that's prime that that is correct uh ma'am and uh that is uh for those of us that are familiar with the waterfront property uh right above sbarro uh sbarro near the uh i apologize for my mispronunciation of the property but again it's 9160 thomas across the street from the seaborne waterfront property This would be the facility, the building next to the Spence City building?

1:14:17 Madam Chair, we are going to ask you. Yes, Senator. Okay. And what is the square footage? 4,214, ma'am. 4,214. And this is just the administrative offices, correct? Yes, Senator. Thank you kindly. I would like to move on. And, Senator, if I may, I also want to emphasize that it includes training space. Okay.

1:14:52 And do you have a targeted time frame to close on this deal and this lease? Yes. As soon as all parties execute, we received a revised executed lease this morning, moments and plan to re-execute this new revised document. And then once the Department of Property and Procurement executes and advises as to move in dates, along with the use of the purchase order for this property, we will move in. So we anticipate that that could happen this month, June, 2021.

1:15:29 Okay, thank you kindly. Mrs. Adrian Williams-Octolin. Kindly indicate to me what, or if any, reimbursements will be eligible for this location, and I'm suspecting this is going to be a temporary location. Oh, yes, it's a, I would imagine it's a temporary, not imagine, it is a temporary location as they work to rebuild their facilities. Okay. And are these funds going to be reimbursable by FEMA?

1:16:11 there is a temporary uh swan annex facility is still pending the amount that to be obligated so it is eligible in in the scope of the work and we will need all the details relative to the to the lease to to give you exact amounts but it's still pending obligation it's still pending okay Thank you so much, Ms. Actilene.

1:16:42 I will continue my line of questioning on page seven of your testimony, Director Testamark. I want to ask you about this 1.2 million FEMA award. And has FEMA given you a timeframe? Or Ms. Williams-Actilene, you may also jump in if you have the answers readily, which I know you normally do, relative to the review timeframe for this amount, because it says it's currently under review.

1:17:24 The funds that have already been obligated, the review is a level two review for the government of the Virgin Islands, but FEMA has already obligated the money. Okay, Director Octoline, for those of us who are not aware, What is a level two review, if you could expound on that? Level two review is just an internal process where our consultants review the project before it's moved to final payment. Okay, and do they have a timeframe to complete the level two review? Okay, I just wanna clarify that we're referring to the COVID project?

1:18:07 Yes, ma'am, yes, yes, yes. Oh, okay, I just actually received a, that's just a process that takes, usually takes several days to have an updated report that we should be able to get the level two review pending any additional documentation that would be needed. But that entire payment process, reimbursement process takes about 30 days. Okay. Thank you. Madam Chair, my time has been called.

- 1:18:37 Do you have a follow-up? Yes, I do. Thank you kindly for the leeway. I wanted to direct my question again now to Director Testamark. Director Testamark, please know I enjoy reading your Bureau of Correction project status. However, there is no monies associated with any of these projects. There's no money and funding sources. Madam Chair, if I may request to the chair for each of these items that Director Testamark has. I don't have it. You have it? Okay. I was told by my colleague it is there.
- 1:19:19 So I will withdraw that question. I just didn't see it in my printout. Thank you kindly, Madam Chair, for the leeway. Thank you. I was about to tell you the same thing. Director Tester Mark, quick question on the appendix project status. Quick question. So the Golden Grove Adult Correctional Facility temporary security lighting has been completed. Where, so it's temporary, so do you intend to go back and make it permanent, the lighting?
- 1:19:56 Is that included in? Senator, I didn't. Okay, on the project status, you have Golden Grove Adult Corrections Facility Temporary Security Lighting completed. So, if it's temporary, where would you address the permanent fixture to lighting? Would that be the perimeter lighting that hasn't started? I'll defer to the recovery specialist. Good morning. Loretta Loren, Disaster Recovery Specialist. project is actually for temporary lighting that we use a vendor for lighting during directly after the storm so that's just reimbursement for lights that we use in that time when we didn't have any power oh okay okay so your light so your lighting will be addressed um permanently on the perimeter lighting which is further down on the the chart correct and if you need further clarification mr walker can speak to that no i think i understand it now i was just wondering what that was Thank you. Senator Johnson?
- 1:21:08 Good morning again. Thank you very much, Madam Chair. I sometimes come and I listen to testifiers and they answer some of my colleagues and make reference to national standardized numbers and relate 1 to 65. and it's good to make comparison but when you make those comparison with mainland standards we must remember in the mainland they have a fully geared riot team ready to respond and assist does the bureau have a riot team ready and respect to respond and assist director testament here so i have i have no idea what you're speaking of all facilities does not have riot response teams um if there's an issue or concern um you you also you call the the local police department and they're there to assist the agencies so it all depends on what facility where area you're speaking of when i give a number as it relates to national numbers it was specifically speaking to the national standards as a ratio correctional officers to inmates in a correctional setting all up for my time's sake i i mean i just hate to even mention the fact that i walk to the bureau sometimes because when i walk to the bureau we had a team ready to respond my question was does the bureau has a riot or a sort team ready to prepare to respond sir all due respect you work at the bureau that was been years ago industry standards have definitely change director director director please i think my question is very simple either you have a team or you don't have a team that's all i'm asking excuse me at this time sir the bureau does not have a right thank you very much thank you very much ma'am thank you very much
- 1:23:06 thank you very much ma'am emergency that the facility may incur thank you can you please deal with my time when someone is speaking when i already asked them to please refrain i didn't want no other you know prolonged answer that was not related to what i'm asking however we speak about 1.2 million in obligations for overtime but every week i receive a phone call from correction officers with their overtime not being corrected so why are we trying to recover money that we're not paying out i i would like to understand that sir any issues or concern that staff may have as it relates to their paycheck there's a process that's in place and it will be addressed accordingly thank you this process have been going on for nearly now this entire year and the staff are not being compensated when are we actually going to address this this is real faulkner assistant director of the bureau corrections we have actually made more progress in the last year on paying correctional officer overtime than at any time in the nine-year-old history of the grievance in fact we've met with the correctional officers we met with the union leadership and in fact last week we met with one of the shop stewards we went over their numbers they gave us their um position as to what they should be paid we audited it we reviewed it we found that there were errors in their their statements there were some errors in ours we reconciled those and they are being prepared for payment so expeditions so you're saying to me that are you saying to me that in the very near future that the correction officers are going to be compensated all money that's owed to them based on overtime work what i can tell you is that we have fixed the issue of calculating the
- 1:25:14 correctional officer overtime and we're now paying them what they're entitled to receive under the law and under the cba back in 2012 when the contract when the grievance was filed they weren't being adequately compensated for overtime we fixed that we've directed the the department of finance and our payroll team to start paying them overtime on three occasions if they work more than eight hours in one day if they work more than 40 hours in one week and if they work more than 48 hours in a week, all three of those rules we are now recognizing for the first time. So the funds that are owed will be compensated in the very near future? Yes, they will be.

- 1:25:59 Thank you very much. And I realize in your statement again, Ms. Tessa Mark, in October of 2019, the Bureau of Correction received some \$14 million to fund the demolition and reconstruction of Alva A. Swan. When is that slated to begin demolish the demolition project? Anybody could answer?
- 1:26:30 Senator, the process begins with the overall design of the facility. They're in a 30% conceptual design. once that is done we can identify exactly if there's anything any of components of the current structure that needs to be salvaged and incorporated in a solicitation for design so that conceptual stage has to occur first so that we know whether or not the entire facility needs to be demolished if there's any portions of it that will be salvaged to be incorporated in a new design so we anticipate that will happen within, again, in my testimony I outlined that that 30% conceptual process should be completed by the end of the month, and after that we'll have a clear outline of the time frame for the project. And you spoke about the mitigation for the parking lot, and I want to ask if in this mitigation plan is there anyone discussing with FEMA that the gut that is to the, I would said to the south of the facility that really creates the flooding in the parking lot. Have that been addressed with FEMA as far as the mitigation for the flood? Yes, and I could defer to Mr. Peter Abrams, if you could elaborate some more on that.
- 1:27:51 Mr. Abrams? A pleasant good morning. Yes, we have. We have spoken to FEMA. spoken to the engineers and as part of our plans moving forward that is the definitely under consideration so so there's no straight answer from fema about mitigating of that gut because mostly your problem is that that gut being backed up all the time and the parking lot pretty much get floods out so if i could add to that senator the the proposal for that for that floodway is what's included. So those recommendations to mitigate against the flooding is what's included in that proposal that has been submitted to FEMA. So it's all part of the process.
- 1:28:40 Madam Chair, if I just finished wrap up on this here, you also stated that the parking lot, you're trying to move it to the east of the facility. By any chance, who owns that property? Again, we talk about mitigate and we're speaking about moving the parking lot to the east. Does the Bureau own that property that you're planning on fixing this new parking lot? Senator Johnson, those are the things that's being discussed at this moment in time. So we'll have to get back to you on that.
- 1:29:21 So you're not sure if the Bureau owns the property or not at this time? what yes we are what the property the property in which we speak it up in moving the view does own that property I don't know if you're speaking in a reference a different property I'm speaking to the property to the east and where you intend to relocate your parking lot yes the Bureau owns that property thank you very much thank you very much my name to you thank you miss Please tell me the disaster recovery specialist again. Tell me your name one more time, please.
- 1:29:59 Lorenta Lorent. Ms. Lorent, who was a vendor for the temporary lights? Okay, I'm sorry. I have to confirm before I misspeak, Monarch. Oh, Monarch. Okay, and then quickly, you have six damaged vehicles obligated amount is 15,000, 16,000 or six vehicles, that's roughly 1.15600 per car. Are these vehicles, can you, are they badly damaged? Like, what are you repairing? Vans?
- 1:30:46 What? It's a mixture of vehicles. However, some of those vehicles are no longer online because they were older. Since then, the Bureau has purchased new vehicles. However, some of those repairs were finished, were completed, and some of those cars are offline. But the reimbursement being that we paid to get them fixed, of course, we're still going to draw down on those funds. okay and you haven't so when it says expanded and you have nothing in the expanded category that's because you're waiting for the reimbursement of the 15 sorry okay just trying to comprehend the sheet that's all appreciate it Senator Whitaker thank you chairwoman and good morning to you good morning to all of my colleagues good morning to listening to the audience good morning to the testifiers director test mark i just um just wanted to start off by just asking uh the first question i'm going to ask is this really so you have which is a good thing hired someone specifically who's sitting next to you Could you please put her name on the record again? I actually did not get her last name.
- 1:32:02 Ms. Loretta Laurent. Ms. Loretta Laurent. Can I hear you clearly? Ms. Loretta Laurent. L-A-U-R-E-N-T. Thank you, Ms. Laurent. And is Ms. Prent, are you engaged in continual professional development to support the work as the Bureau moves forward with addressing the FEMA projects? As you're the disaster recovery specialist, are you engaged in professional development to support your position, especially as it pertains to going through the FEMA projects, especially as we hit a number of roadblocks? How will you continue to develop yourself and to ensure that the Bureau stays on track?
- 1:32:54 That is correct. I worked for the Bureau prior to Director Testamark coming here, and I initially started assisting the person who was doing it before. Since then, between ODR and Director Testamark's leadership, I have been engaging in disaster recovery-related professional development, yes. MS. Okay. Thank you for that. Ms. Director Tessa Mark, a lot,

of course, as you are publicly aware, you have different members of your staff that engage us as senators. As we discuss the issues surrounding salaries, of course, you addressed in your testimony overtime work being paid out.

1:33:38 How is the, you and the HR director moving forward with respect to retroactive payments? that been part of the negotiations in terms of as you address outstanding step increases our retractive payments being also is also part of the process yes ma'am and where are you with that is that because you didn't testify are you when we say we say yes is this going to be submitted as part of the budget process sent to the budget committee uh yes senator whitaker we actually um have been meeting and making sure that the various increases for correctional supervisors um and also civilian staff are reflected on their pay checks going forward and that they get their retroactive from october one. So we have submitted that paperwork pretty much and we're waiting for basically working through the Office of Management and Budget to make sure that we can allocate the money to pay it out on a reasonable basis, but it should be budgeted. Yes? Yes, sir? Yeah, and I will be following up with that because I'm very aware that's a very intense process and you have to keep on top of ONB, Department of Finance, and it's an arduous process, but just to keep on top of that, that's good as it pertains to the facilities what is the time frame for the roof repair at the John Bell facility and when I said the timeframe can you kind of break it down for again reiteration of the process and where you are with that I will defer to our facility manager Mr. Walker but right now as far as the temporary roof project i'm sorry again as far as the temporary roof project goes we are as was

1:35:46 told to you before we're in the third process i believe that we have all the little fine points put together for this temporary roof repair it should be going into public works right now as soon as they review the request that we've made it will go to property procurement for bid and what is going to really be helpful at least to myself if anybody's also interested is really to get that in writing that's why i keep on harping on and receiving the actual pub information that comes out for the public assistance grants where we at least get the information and because when we look at the timeline to be able to follow up on that so i will continue to press with fema to get that information or just ask you to send that through the committee chair so we can so i can we can drill down a lot a lot on that two minutes the The other item, director, can you give, provide myself and others with really this independent expert panel review process? How long, what was the period of time, how long did it take and when you first, well, how long are we talking about when you said you went through the appeals process?

1:36:58 When was this initiated? Okay. I'll let Ms. Williams tell you the time frame because I don't remember the time frame. know that once they it was it was a long period of time but i know once they denied then we agreed that we will appeal their decision so miss williams if you could elaborate on the process itself so the the iep process is that there's a 30-day requirement for it to be completed so that's iep is the independent expert panel but there's a 30-day time limit for that decision to be made. And in this case, can you please outline what in fact that FEMA specifically pushed back on? What were the items that resulted in, what did they say was missing or the basis for their decision to reject the project's emissions? So where I just want to make sure that we're we're speaking of the same project so the swan annex this is a the denial for the temporary temporary facilities no we the independent review process for the project that was denied okay i think we got a couple things going on so the iep is not it was not that was not denied that for the swan annex the iep is the independent expert panel but that project is obligated um i think if you're you're asking what is a time frame for appealing any denials from fema then there's a 60-day window that we would have to be able to provide an appeal to region two for to state our case and have that appeal appeal reviewed correct because because as director to somewhat indicated you have to go through that process in order for the project to move forward and so that's

1:39:02 a process that's being used when fema pushes back on the approval of a project oh that's two different things so if the the process that director test the mark uh outlined with the iep is a is a normal process for projects of a certain size that it has to go over 25 million and has to go to an independent expert panel. And if we disagree with the cost that FEMA has provided, and we're saying, well, you know, we believe it's more than that, then it goes to that same panel as well. And that process has to happen within the 30 days.

1:39:44 So it's part of the appeal process for obligated projects. Yeah, that is clarifying. So there's no need to push back because FEMA's bound by the timelines provide responses thank you thank you I'd like to recognize the presence of Senator Giddings and Senate President Gregory and I want to remind my colleagues as you move forward that the budget season is upon us and at the budget season you have all the time in a world to discuss wages and increases on what's not we need to really pull from the testimony disaster related items so just want to the teacher and me wants to get us back on topic so let's focus on disaster related items. Director tests the mark quickly the perimeter lighting there's nothing in the category or I guess director actually one of you for the Golden Grove adult correction facility perimeter lighting no nothing obligated not um of course no expended where was the status of that project so senator the the reason why you're not seeing this is director octolin reason why you're not seeing it as an uh as one of the obligated projects because it was

obligated uh at zero dollars because it was lessened by insurance proceeds so the territory now would have to utilize the insurance proceeds to commence that work and do you have the adequate amount to fix that at this stage I would yes the the processes is once they have once they the recipient agency has the actual cost for commence project and they will

1:41:31 request the the insurance proceeds and and be able to solicit and get the work started okay the chart is a little confusing because these dashes say something else so it makes it hard to read um so what is the cost for the perimeter lighting what will we need to um request from the insurance proceeds um senator loretta lorenz disaster recovery specialist it was 110 000.

1:42:04 okay so you have the adequate amount to request from your insurance miss laurent that is my understanding yes senator okay and um when do you expect to get this project moving the timeline um actually our last meeting with odr we are scheduled to start um right away um we were provided the memo from um property and procurement to draw down those funds okay and what was the expected date of completion completion for the request of the funds or to complete the work the work because if you could draw the funds on right away and you could proceed with the insurance proceeds for 110 K What is your target completion date? Senator Ray Walker, Facilities Manager. We have the lights on site now. We have to get a contractor to do the digging to replace the underground wiring.

1:43:18 But we have the lights on site and we're ready to begin putting up the lights. Then after the lights are up, we'll start replacing the wire. So what's the time frame? That's what I'm asking. It's going to depend on our contractors, but we would hope that this could be complete within six months from start to finish. Okay, point of inquiry, Senator Blayden. The facility manager, good. morning sir um my question is you say after you put up the light you're gonna start changing the wire don't you change the wire first and then put up the lights unfortunately center we have to have the lights working so what we have to do is put the lights up the ones that are working we can get those right away we'll temporarily wire the other lights while we're doing the underground work but we need to get the lights up and working immediately okay i understand you'd be doing both at the same time understood thank you thank you madam i'm still waiting for a target date of completion are we looking at six months a year because we never have timelines everything is always open-ended when we come before the body and and we need we need some benchmarks do you have a timeline mr walker we we anticipate having it complete within six months okay thank you so much senator carrion madam chair good morning to the viewing listening audience and morning to my colleagues and testifiers um i would like to first start by I commend the director and the ODR team and everyone who was involved in ensuring that you were awarded at least 500% more than what was initially offered to you with regards to the Swan Annex. So I think that's a positive move for the Bureau and also for the hiring of the disaster recovery specialists. So I commend you for that.

1:45:41 With regards to ODR director, I know that you mentioned that out of the 16 projects, I believe 13 have been obligated. And then there's two projects that are still in the approval process. What are those two projects? and if you know, what stage are they at? Senators at Golden Grove, the Golden Grove facility, as well as the temporary facility, St. Thomas temporary jail request.

1:46:26 Gotcha. Now what it's a bit, and it could be a bit concerning maybe for those that are viewing and listening, if you could maybe explain out of the 13 projects with only 261,000 of the 16 million or so has been expended, which is roughly about 1.5% of what was obligated.

1:46:57 What's the reason for that? senator the total amount obligated 14 million of that is the alva swan annex that we're in it we're in the beginning the design phase so that makes up the bulk of the obligation there's also the roofing project again the temporary roof project that we've mentioned on several occasions here that that process is about to be started so once that work is started and it will be drawing down of the funds there's some other projects for contents of course that will be prudent to purchase after the building um is the building whether it's a temporary facilities that boc has or the permanent facility so those funds will be on hold until it's yeah we're at the right time to be able to purchase furniture and the other projects are ongoing and they're working to submit those draw requests once the projects like the cars and the perimeter lighting is completed. So the majority of them are in process. We have not flagged any of these projects that we feel are just not moving because of a lack of attention.

1:48:08 Gotcha, thank you for clarifying that. Also, you referenced the June 4th meeting where FEMA agreed to finalize its review and provide a formal correspondence, et cetera. What does that mean for the overall progress of that project in particular? That is actually a linchpin that will allow us to be able to move forward in the decision on what damages will be accepted by FEMA. We've presented a lot of documentation to support our position that this, these that disaster damages are actually that, disaster damages and they're not preexisting damages and FEMA has to make their decision on whether or not they feel that we have provided a burden of proof necessary to approve the project.

- 1:48:57 And what is Plan B? Is the BOC ready to appeal if they deny and if deny again, what's Plan B? We've been on this, and of course I'll defer to Director Testamark. We've been on this for a while, So I know at a minimum, we're going to get started with the moving the project through with the damages that have been approved because we do need to bring some relief to the facility and we will continue to appeal. There is another step in the process where we can have a third party review and we will take advantage of that. But we want to make sure that the process gets moving because this is so critical.
- 1:49:47 And in that same line, yeah, you may continue. No, Senator, if you need any additional clarification, I'll defer to Director Testamark. Senator Carrion, Loretta Loren, Disaster Recovery Specialist. Two minutes. Like Director Atalyn said, BOC is prepared to fight, like we did for the annex. Part of the June 4th meeting was we kept getting informal decisions from FEMA. and that continues to extend the race um so we we demanded that we get some kind of formal denial or concern so that we can be able to appeal um fema if necessary and fema we're at a stage where fema is even questioning in actual engineer reports so like i said um boc is prepared to fight and that was the purpose of our june 4th meeting to demand something in writing so that we can appeal if necessary well thank thank you for that and i commend you for that spirit of fight because we need to make sure we get every dollar we can from the federal government um so that our facility could be uh what it should be um in that same line you also note that the temporary jail request um that was pending since october 2020 and you have been told verbally that that uh will be denied but that was just verbally did uh they say what was the reasoning um for uh denying and um and also what what what what's the plan with regards to that i know that it's informal that they said based on what um director williams stated however we're waiting for the formal um decision and it needs to be we will follow the process and in addition to that um loretta laurent um disaster recovery specialist this is another
- 1:51:49 instance where klima has just been tagging along and um director octolin has requested some kind of formal something so that we can move forward because it's just dragging along for too long director and what's the process in those cases where we have fema um dragging along um do you reach out to the administrator what what what can be done uh other than just requesting them to move except you know uh expeditely or um you know or give something in correspondence in writing senator that's an excellent question and i would have answered that in a two-pronged approach one we i highlighted to the acting recovery director on the need for us to get these decisions that they have advised on a in a verbal basis in writing and after the recent visit from the fema administrator on friday with the governor um the region two leadership has also reached out to to me to identify any issues that we feel are not moving and they have pledged your support to ensure that these decisions are made we've expressed to them the need for us to move this recovery forward it is and some of these issues are pending for too long and they committed to addressing that under this new administration so we're waiting to see if the results of those promises well I'm glad to hear that because these matters are matters of urgency and we really need to get these funds so I'm glad to hear that they have reached out and you've been in communication with region 2 to ensure that locally FEMA moves and get these things done or at least response respond whether is an approval or denial and that would give you leeway to appeal and continue in the process thank you madam chair for your time thank you
- 1:53:48 senator francis thank you very much madam chair good morning to you my colleagues good morning to central staff uh good morning to our testifiers and good morning to the people of the virgin islands i sometimes get a little bit frustrated because it seems like four years later we are um right back into the hurricane season and we still have not been able to um move the needle and some of these projects that continue to present some challenges and some difficulties uh the listing director testimony that you provided here in terms of the bureau of correction project status is that all disaster recovery projects all 16 of them Yes, sir.
- 1:54:46 And of this 16 listing, project status that you have provided, two have been completed and the rest remain either one in progress, the others not started, you know, so we're really just talking about two that have been completed thus far. And a quick analysis and assessment, we have \$16.8 million, the Bureau of Corrections, which is a lot less than we have seen in many other agencies, 14.2 is for the SWAN Annex and 2.6 is for the other projects. Is any of these other projects considered low-hanging fruits and there are some priorities in order to move at least the \$2.6 million projects forward? So some of them already, we've been working on some of those things, but a lot of things is contingent upon one big thing the roof and those are the things that we working with fema currently for us to agree on the damage descriptions so what are the priority projects here um based on this project status that you have or the listing of the 16 projects have been provided outside of the two that have been completed what is the priorities here You have, of course, the roof. The roof, the mold remediation, and the parking lots.
- 1:56:13 And again, everything is contingent. One is contingent upon the other. So based on that contingency, then obviously the mold remediation should be the number one priority because all of the others are contingent upon that, you're saying? No,

the roof. The roof, in order to do the mold radiation, we have to do the roof. Right, so I'm saying the roof should be the priority, priority number one. Yes, that's what I said. Yes, that's what I said.

1:56:41 Okay, very well. So what are we doing to ensure that we move that roof project forward? we've had meetings with fema that we've had meetings with fema we requested fema leadership i would let miss octolin williams elaborate some more senator that that project is going out to bid this week so we expect to be able to get started on that right as soon as it's what is the cost on that project um director octoline it's about 843 000. and in this declaration of exigency and a state of emergency what is the priority or what is the um success in being able to move uh such a project again understanding the priority of this particular project and it hinges on all the other other projects within the Bureau of Corrections how are we expediting the bidding process and moving that forward so all of the priority projects are highlighted to all of the service agencies like DPW they we had asked for this project to move to the top of their list which they have accommodated we've also provided that to the Department of Property and procurement who understands the importance of getting this out to bid ASAP and evaluated so that we can get the work started. So let's talk a little bit about the timeline or I'm not sure if you will be the one to then determine the timeline or the Bureau of Corrections but what is the timeline established again understanding the urgency and the priority of this particular project what is the established timeline for for this so the bids are typically um let for

1:58:35 a solicitation is typically left for for 30 days um and this one because of the issues that we've had in the past we will do a minimum of at least three weeks to 30 days once that is done the in value of 10 days after the bids come in the bid is awarded if all of the the bidders are responsive and then we expect to get the contract executed within about 30 days after that as long as a successful bidder is able to get their bonding that is usually the wild card the bonding and we will be able to turn that contract around within the next two weeks after that so that is really an expedited timeline on on getting those projects moving and of course all of this hinges on the hurricane season and any impact to the Virgin Islands but in terms of again expediting these projects is there any shave off any any way that we could be able to shave off some of that timeline have been established at 30 days here the 30 days for the bid-in the 30 days there the 10 days is there any shave off that would allow us to be able to maximize the situation that we're in so that this I would say that the points that we're able to to contract a time frame again is within the the solicitation time what has been our experiences right now if we do not allow sufficient time for contractors to submit the bid we want we run the risk of getting no bidders or one bid and then we end up going back happen to go back out again we keep seeing this especially now there's a lot of of work out there plus this the federal projects require a hundred percent bidding bonding and with that we see a decrease in the amount of contractors that are willing to or able to bid for these projects so all of those things are considered because at the end of the day we want to wait 30 days and still have to put it back out to bid because we didn't get sufficient bidders

2:00:47 very well and the preferred bidders um exemption that's made available does that apply here does not apply to these federal projects unfortunate very well my time i've been called um madam chief i could just wrap up with one question regarding the swan annex um in regards to the swan annex director are you intending to build on the current footprint um are you going be requiring additional land space uh to be able to accomplish that we rebuilding on the current um the current place now that the facility is now stationed very well um thank you madam chair for the time and again you know we really got to move the needle um continue to seem to be in a state of flux where we're just having these conversation over and over and i really just want us to get to the level where we could start to move these projects forward. Thank you very much.

2:01:45 Understood. Senator Fred Gregory and then Senator Gatins. Thank you Madam Chair and good morning to my colleagues and good morning to the testifiers and the listener viewing audience so I've heard the conversations that you've had with my colleagues I have read the testimonies and there's something that seems to be obviously missing in our discussion where is with O'Brien in all of these discussions that we are talking about particularly in instances where for instance the Golden Grove project has yet to be obligated what level of support are we receiving from with O'Brien and are we actually requesting or requiring support from with O'Brien in these instances when it just appears as if we are meeting roadblocks with these projects so So that's for Director Octolin.

2:03:12 Thank you, Senator. Butterbrand is in the forefront of these discussions. They're assisting POC with putting together all of the documentation, all of the justifications. They're leading the effort. So we are three months shy of four years years regarding when these two historic hurricanes hit the Virgin Islands and it just feels like because I've listened I haven't been present to all of the disaster recovery meetings but I've listened to them and it just seems like we are in many instances we're spinning our wheels I think I heard one of my colleagues asked earlier about, so what are the timelines? So I'm seeing that we have some projects here that are in progress, but we are very comfortable referencing projects as in progress. But I think it's important that we get to the place where we establish, so what is the benchmark? What type of benchmarking we're doing to ensure that we are moving these projects to some level of completion you have to have

something you're working towards otherwise you're going to just be pushing and pushing and you don't necessarily know when you're going to end up at a place where you're finished so do we have and I think it was asked before but I'm gonna ask it again do we have timelines around some of these projects particularly those where well these projects where we the funds have been obligated what's the situation with these projects we're not seeing timelines I think when we have the discussions around updates timelines are important we're having these open-ended discussions which can become very frustrating and I know that from your end you're frustrated as well but we have to see something a little more than started and in progress what does that mean i mean from a project management perspective you don't ever report in progress you don't ever report started so you say started when and you say projected end date so i don't know why we are so

2:05:34 comfortable coming before the legislature and bringing um these types of phrases that we're using started and in progress what about when are we going to be finished what's the problem We have a spreadsheet with timelines and we could submit it by the chair to the committee. Okay, so the legislature have to pull it out of these agencies.

2:06:10 The timelines, that's a proper set of updates to get the timelines so we could have some warm and fuzzy feeling that progress is truly being made. so should a chair can we get that today since you have it I think that's important for us to have no um so we talked about with O'Brien let's talk a little bit about director acting about the insurance proceeds I don't know why for some reason there's this nagging feeling that I have around the insurance proceeds that the government received well albeit it was not a whole lot of money of course it's based on how we insured our properties but who's ensuring that the insurance proceeds that were provided or given to these departments and agencies are in fact being expended in earnest around these the repairs or rebuilding of these areas that were damaged in the storms?

2:07:25 That is an excellent question, Senator, and I say that because early on when we first started I asked the same question and and since that as a result of that we created a process to the Department of Property and Procurement where any any request that for these asset recovery funds has to be directly tied to these projects and we are tracking it. So the short answer is ODR is tracking it along with property and procurement. So it's being tracked, so you have to get all the way to property and procurement in order for us to track it? Property and procurement is who we met in charge of managing the asset recovery funds.

2:08:10 Okay, but you did provide different departments and agencies with funding, correct? With proceeds, rather. So, okay, so let me go to this then. So let's go back to BOC. I don't really have hard questions for BOC because I need to understand whether or not the Bureau of Corrections is in fact being provided the necessary support. I see where there is some management costs, and I suspect that management costs reflects project managers, engineers, et cetera. So do you have those types of employees on your payroll to support actually moving your projects forward? You have a replacement of the Alvaswan Correctional Facility and it's in the design phase.

2:08:56 So who in your organization is in fact supporting supporting time initiative and make me initiatives and making sure that in fact these projects are moving forward who's that accountable person we have the disaster recovery specialist along with mr. Peter Abrams and our facility manager and we collaborate with O'Brien and now the DLR group that is now designing these spaces for this facility okay so you do have stuff and utilizing your management costs for that purpose yes ma'am okay all right well I think my time has been called no my time wasn't though I think my time has been called so um you have a follow-up question no I was just very interested in finding out if we have um so yes I have a follow-up so So if we have these individuals and staff currently then, but you said that you did have a layout of your timelines. So when do we anticipate seeing, and I believe the question was asked before, I was not in the room so I apologize for asking it again because I'm certain it was asked, but when do we anticipate seeing that the Swan Correctional Annex in particular in St. Thomas will be completed. Completed, I know it's the top of my head because the timeline that we had to put out before we got started was, I wanna believe, 23.

2:10:36 However, we're currently in the design phase, currently. Now. And the design is to be completed when? By December, 2021. So we're in the design phase and it's gonna take us, that's all of us, six months? Wow. The design is a lengthy process. Okay, Madam Chair, thank you for the leeway. Thank you.

2:11:07 Thank you, and board directors, I think it's important to understand the frustration overall and the slowness of the recovery And we're in 2021, the hurricanes hit in 2017, four years later, we still have not started, not started SOW development, not started SOW development, not started, not started design, not started management costs, management costs. That remains the status. So if we're, and the argument is also, if we're paying a company 80 million a year to assist in the recovery process. That is their job, to get things moving, get things done. We still have a roof, more remediation. You know, I mean, between the hospitals, the schools, the Bureau of Corrections, the roads, it's really a sad situation, and the length of time that it's taken just to move something.

- 2:12:16 Do you have a point of inquiry, Senator Wittekarnia? Point of inquiry, Senator Fred Gregory. Thank you, Chairwoman. My point of inquiry really focuses on project management. Director Testamark, do you, along with your leadership team, use any project management software? And are you Gantt charts? are we really engaged in project management? And if so, you know, that should really transform the submission to this committee, as was pointed out earlier by one of my colleagues.
- 2:12:56 Go ahead, go ahead. I just wanted to add those senators and to your point, Senator Whitaker, the Office of Disaster Recovery has procured a project management tool, the first tool that's being employed for the territory to manage all of these recovery projects. And we have, we've launched it and we're doing training next month for all of the government, all of the entities to be able to use this software and provide project schedules, got charts, all of the above that you're referring to. And it's mandatory for any entity that has received recovery funds so that the progress of these projects can be tracked not only on an agency level but also on the on a portfolio level as well as a follow-up for transparency what's what's who's the contractor who was a contract awarded to the vendor isc thank Thank you. Thank you, Senator Fred Gregory. Thank you, Madam Chair.
- 2:14:12 Very quickly, my point of inquiry is around the fact that I think we continue to air our frustration with regards to the slow recovery process and the slow situation situation with us actually getting our projects obligated. From the ODR level, how are we working that with our, I mean, so we, at some point, I believe that we have to go beyond FEMA, right? Because we continue to talk about the same things over and over. And so FEMA is that person I saw that there's some, there's a new person that's heading up, providing that support here in the virgin islands but how are we working that through are we having those discussions with the delegate um so we can have some breakthroughs because clearly i don't know that and this is this is something i don't know but i don't know that any um state that has experienced a disaster of this magnitude is in a flux in the way that we are four years literally almost four years later still talking about what we're going to obligate our um our correctional facility is a very important um part of this community it's an important facility why are we still this is our jail why is it that our jail isn't obligated the work isn't being done what what what is it that from your end that's in fact occurring um or or the governor's end that is actually occurring so we could get some breakthrough as it relates to what's happening here. We have Witte O'Brien, yeah, we have Witte O'Brien, but and Witte O'Brien should have been the breakthrough, but that's clearly not occurring. So, or it's not happening fast enough. So what is it that we're doing? So there's two things. One, again, you referred to the new administrator. The new administrator was here, I think it's like a week ago. I met with the governor and she has pledged
- 2:16:16 of support to be able to move a lot of these issues forward. Also, the region has reached out to me and asked me to identify any issue that we think that has been in on the hamster wheel, for lack of a better term, that they will be able to point that out and move it forward. these issues we've been expressing that are very critical that include some of the hospitals this facility and some other projects that we need some decision on and just if I may for just a bit further part of the issue with the the Swan with the John Bell facility is that FEMA actually believes that a lot of our damages are not disaster damage and they're prepared to obligate funds based on what they feel are disaster damage we are we were in this fight because we believe that the damages associated with the facility are indeed disaster related if we acquiesce then the project will just move forward and they will give us whatever they feel is adequate just just so that we can level set expectations the disaster process is extremely slow and puerto rico i reached out there their recovery director reached out to me and asked me if we're experiencing the same issues um with fema and i had to agree that their their recovery is moving on a snail pace as well so there's a fundamental issue with the process with fema and how things move because the yes the disaster happens overnight but the recovery is dragged on and i continuously say to to the fema leadership that this is not about projects this is actually about people and we have gotten the commitment under this new administration for fema that we're going to push the projects forward so we are waiting to see um but the governor has expressed at that meeting his dissatisfaction with
- 2:18:26 the pace in which this recovery is going and the frustration if you feel the frustration you can imagine how we feel it on this side on a day-to-day pushing and pushing and not feeling like we're going anywhere thank you for your responses um but i really believe that uh we are at the point where we have to collectively um beat the pavement on this one i think that we have tried it the way we've tried it and clearly it's not working and you know the expectation is that things should move and then you come before the legislature and you know we're hearing that this is an obligated major projects are not obligated and um You know, I think that we have to figure out a way to move away from working independently and having some collective work and responsibility around this. I know that we've been in the pandemic, but I think we need to emerge ourselves on the nation's capital at this point to address these issues. Thank you, Madam Chair.
- 2:19:48 Thank you, and it's so interesting because today there are a few articles across the national publications and local of Joe Biden chastising the U.S. Department of Justice for their position on the treatment of the territories, indicating that the

territories do be deserve equal treatment under federal programs. So we definitely have to state a case and bend the air of the president at this point. You have a point to inquiry, Senator Johnson.

2:20:27 Thank you very much, Madam Chair. To ODR, in your first list of the appendix, you have a section that says Golden Grove Adult Correctional Facility. And you speak about the warden office, the contents, dormitory, court, canopy, sidewalks, drainage facility. That entire section, are those eras in which FEMA are challenging, saying that these eras was not damaged due to hurricane? Yes, some of those damages are being challenged.

2:21:00 Okay, I want to ask you, because that's a big group. And why I'm asking this question, if some of them are being challenged and some are not, Why are we not proceeding with those that are not being challenged? Because this pretty much is the entire facility. But if some of them... Go ahead. When this project was written back in 2017, all of these damages were lumped under one project. So that's why they're being considered together. That's how the project was written.

2:21:35 But you understand my question. I'm asking if every single one of those are some of our our project that are challenged by FEMA in that group that listed Golden Grove correctional facility. The option for us would be to take that and request to FEMA to to get a new project and that starts that starts us all over from the beginning so it's it's that the alternative for separating it still adds time to the process. Thank you.

2:22:11 Senator Gettins? Senator Gettins? Thank you. Thank you, Madam Chair, and good afternoon to all. Director Tessimac, let me begin by commending you your team on your introductory statement where you publicly commended the hard-working men and women of the Bureau especially during the 2017 hurricanes and I applaud you and the team for your hard work in pushing where in 2019 when you were appointed to the Bureau that FEMA was only offering at the time three million dollars however you and your team through the works of Whit O'Brien was able to bring that number of the FEMA obligation up to some 17.6 million dollars I commend you for that. At the same time, while I am strong about a structured day at the facilities, I'm truly concerned about the safety and well-being of the residents and the employees of the Bureau of Corrections. Overall, not just at the BOC but overall in this government I truly do not see a sense of urgency for nothing and that is a true concern why is our recovery process so slow I'm not understanding why we have cabinet meetings and whatnot because oftentimes when agencies come before this body what we realize is that the left hand is speaking with the right hand or something and get thing move if that is the case these are the discussions that I and the people of this territory truly believe should be happening within cabinet level meetings so if one agency

2:24:30 has a problem with public works moving something or property and procurement moving something I expect for all this to be addressed at the cabinet level let's go back to a response that I heard earlier asked by my St. Croix colleague who have worked within the institutions I need to be clear on something and my first question director is what what is the security level at our St. Croix facility when you say security level you mean that the offenders in which we house I mean we have a prisoner we have a detention center the house up to a level five so with the okay so with the with the prison what is our security level it ranged to again from two to five and I don't want to get into too much in a public arena but we could talk you know offline um director we don't have much time either and i don't want to play around with words is our facility a medium a minimum facility medium facility or maximum facility we have medium maximum so we're medium to maximum so that's exactly why i wasn't clear on the response uh given to my colleagues so my my direct question is and it's just a yes or no not who you call in do we have a srt or swat team within the bureau of corrections on sync again so it's no okay so the answer is no uh and and that's what i expected to hear i didn't expect to hear uh that we're gonna call in the police department etc because uh again we have those experiences and know that the police department i can't take the swat team

2:26:26 into your facilities because I would know where to go when we were there what we did our SWAT team especially was one of the first thing we would do is secure the perimeter any entry we must be guided by your SRT team so I'm not gonna belabor that issue what I'm gonna ask is that you So I'll address that post-haste, because we still have a large number of inmates there, although we have those who are off-island. But we still have over 100 inmates within their facility, and I would expect, again, the safety and well-being of all is looked out for.

2:27:13 do you have a dedicated staff person working with the office of disaster recovery and or with o'brien to so that we can actually streamline uh some of these long overdue projects yes sir who is that person miss miss loretta lawrence she's a recovery disaster recovery specialist uh tell me that name and title again please miss lorella laurent she's the disaster recovery specialist thank you you're welcome uh the and i was happy to hear that the overtime issue is being addressed uh as well however i wasn't satisfied with the response i can't recall who the gentleman was that responded that stated that uh it'll be paid i guess he followed through on my colleague that it will be paid in the near future i don't accept in the near future can you tell me uh by what pay period ending that this matter will be addressed senator what i can tell you is that the agency is working collaboratively with um finance and our payroll section and any any officers or any staff member

that is due um payment will be paid in the most expeditious manner as possible so but the responses that i got was that you've already reconciled and everything so i mean you should be able to tell me that at least the first set of offices should see this payment by such and such pay period is there a pay period i'm not holding you that everyone will be paid by that pay period but is there a pay period that you can tell me that the first set of offices can see uh their payment sorry can i sit here and tell you an exact

2:29:21 pay period once boc have done their paperwork and turn it over to finance time the missile then it's in their hands so again i can't give you a specific date but the intent is that um they'll be paid as soon as possible we have um had communication with finance um and the we anticipate them being paid as soon as possible through the chair uh can i request that we from a week from today that we get from the bureau of corrections in writing the first pay period that these officers should see their payment with regards to the long overdue overtime issues of grievances to include to include night differential payments Colleagues, let me explain to you all something. Whether or not we're here for one particular issue with a department, you can ask about anything.

2:30:31 And that is a concern that we have for our individuals working within the institution, and I need that information. All right, while we're sitting here and we're commending the officers for a job well done during these extreme times, that doesn't pay your bills. And that aggression is not for you, Director Tessimac. Your time has been called. Respectfully, of course, we can ask any question.

2:31:03 The topic is disaster recovery. I've asked that we remain germane to the topic, and I will not accept it through the request, Chair. because the request can be made directly from the Senator's office in writing. And Director Testamarki may respond to the Senator when he sends such a request. Senator Blaney, you may proceed at this time. Thank you. Thank you. Thank you, Madam Chair. I just had one question for, I guess it would be the the facilitator of the Facility in regards to the generator that Was onboarded for 244 thousand dollars to the female ward and also the 325 kw diesel generators have they been a maintenance schedule on attach to assure that those generators continue working especially when they're mostly needed yes senator they have right now at this time we practice the generator every Saturday to make sure that it is ready to go anytime we need it to go typically we would do a one month check on each generator we're not doing that we're doing it on a weekly basis right now we're testing it under load every week to make sure that we know immediately if something is not going we are doing our maintenance the same as per the manufacturer and we're making sure that everything works Thank you so much. I'm happy to hear that. And finally, was anyone in terms of trained or shadowed those individuals when they did our testing and showed you what to do? Do we have anyone on staff who will be doing that moving forward? Or who have been doing that?

2:33:15 Yes, I was trained when we first started them. The formal training will be happening, and that training will be also with the supervisors and people that the supervisors feel that should know something about it. This will come from the factory and because of the coven we haven't been able to get them here yet but it is But it is something that we're doing It's something that paid for and we're just waiting for the schedule in the meantime I'm always there Thank you so much for his pants and I'm happy to hear that and thank you so much for the chair for the time You're welcome Senator Joseph and then Senator Johnson and then we'll wrap up Thank you so much, Madam Chair.

2:34:08 My question is addressed to Director Actilene, Williams Actilene. I really am impressed that you mentioned that we're looking at people relative to the recovery and not structures. That is very important. And I want to look at page six of your testimony, where it mentioned that you have tried and BOC have tried to get reimbursements and get costs that were associated and incurred with the transfer of inmates from the Alva A. Swan Annex in St. Thomas, and FEMA has denied it.

2:35:01 What is the game plan? Because I really find it inconceivable that a hurricane that impacted us, two Category 5 back-to-back hurricane, and we wouldn't have had to transfer these inmates if we weren't severely impacted by the hurricanes. And FEMA is denying the costs associated with housing them. So I'm really interested in understanding one, and maybe Director Testamar can chime in, because it's inconceivable. There's no way that they should be denying these costs. These are costs that were directly associated with the hurricane. We won't have incurred these costs.

2:35:50 Now, how many inmates were transferred to the Golden Grove Correctional Facility here in St. Croix and those who were transferred off island? And also give me the quantity of individuals and the cost that we are incurring still for housing these displaced inmates because they're human beings. And if this was under our local jurisdiction and they were not incarcerated, those relocation costs would have been absorbed by federal funding.

2:36:32 So my point is the question is the amount that we are incurring as a result of these inmates being relocated to the correctional facility and off-island specifically and the number. of inmates you understand a question to write the testimony as a result of the damages to the facilities what is it costing the Bureau of Corrections in the interim to house

and relocate inmates correct correct yes do you have that amount and the cost and the aggregate number of inmates? The number of inmates that were affected that were transferred from St. Thomas to St. Croix was 90. And as a result of those transfers. What was the number? You said 90? 90? 90? Yes, ma'am. You have a lot of movement there. Sorry to make you repeat. 90 is the amount? Yes, transferred from St. Thomas. Transferred from St. Thomas to St.

2:37:40 yes ma'am okay first of the transfer we have to transfer 20 from Golden Grove John Bell to the off arm to the mainland to accommodate those individuals with a dollar figure I'll have to call you I'll have to get to you with a dollar figure amount because I don't have that that many at this time but I have to call you um i would have to get back to you with the demo um okay director testamark we we were tracking so we could help to prepare with the appeal we're looking at uh about eight hundred and thirty eight hundred and thirty thousand dollars uh total between the fair with between the inter island transfer and the transfer to the mainland okay okay so that's the cost of the transfer 830k but the cost to house them as well i think is do you have that number director acteline and is that a um and in the in the transfer that's a good question in the transfer of those inmates away it would be that a fema reimbursable something can fema reimburse us for the transfer and payment to those correctional facilities on the mainland FEMA is actually saying, Senator, that this is an operational cost. So they're saying that this cost isn't eligible and we disagree. So we would have to get our appeal. Okay. Yes, we're behind him. Go ahead quickly.

2:39:19 Thank you so much, Madam Chair. Now, Director Octoline, are we looking only at the funding source as FEMA to get reimbursed for the housing? Cannot we also look at other federal funds, specifically the HUD funds? Have we looked at any other source of funding to get the reimbursement? Because these are costs that are directly associated with the two back-to-back Category 5 hurricane. Thank you kindly, Madam Chair. I appreciate it.

2:39:54 This was a good last-minute discussion because if the hurricanes did impact the facilities that we had to move them and relocate them, that's an unforeseen cost and it's a result of the storms and everything that comes after. So that portion shouldn't be an operational cost. course we've had to send inmates away pre-storm but those that had to go away as a result of the storms and the cost to house them um should be something that should be reimbursable um senator johnson and then we'll wrap up thank you very much madam chair uh director testament in your testimony when you were testifying you spoke about the process you guys were using to help uh remediate the mole when was the last time that you had a reputable company come in to test for mole and the the level of mold did you understand what I said director in your testimony director test mark you stated that you guys was cleaning the facility based on the mole and my question is when was the last time you brought a reputable company in to do a test on the mold in the facility senator johnson we get that information for you one second Okay, while we wait for the response on the mole, the company, to test for mole from Senator Johnson,

2:42:11 Senator Gittins, go ahead and please respond, don't forget to respond to Senator Johnson. Thank you, Madam Chair. I was trying to find where it was a statement made, I believe it was some \$400,000 or so allotted for the mold remediation that was sent to property and procurement. What I wanted to know was when was it approved and what is the timeline for the completion of that?

2:42:44 Towards the response for the other senator, I guess they can respond to that as well. I'm checking to see how long it's taking. So again, when was it approved? You said it was sent to Property and Procurement. So when was it approved, and what is the timeline for completion? And I had one for Director Actelin, where she spoke to, I believe it was some \$872,000 for the bureau of corrections management i wanted to know from the bureau of corrections what specifically is that money earmarked to be used for thank you senator management cost is uh give five percent of the obligated project cost to carry out your the projects so it's a cost to manage all of the projects that have been obligated that's provided to the applicants those costs can cover uh staffing resources um with a brian's fees are also paid out of those those management costs as well so so that's why i'm trying to get from the Bureau of Corrections what specifically do they have it earmarked for? If they've used any of that already they can say specifically what it was used for thank you any um anyone to respond we have a tight schedule today so

2:44:45 so i guess senator if i may i know i think they're speaking on mute i'm not sure uh but these these administrative fees are used for staffing they have a disaster recovery specialist there and also for the the costs associated with with a brand so supporting these projects Santa Gatins Santa Gatins follow-up follow-up go ahead madam chair and colleagues what I'm trying to do is get the Bureau to justify their spending they should know exactly what they spent it on I know what it could be spent on but i'm asking specifically to the bureau what is the money's earmarked for what it it has been spent on i don't uh necessarily want from odr to tell me what it could be used for i know what it could be used for but i'm trying to get specifically from the agency what uh is it earmarked for what have they used it for if they've used any of the 872 000 The management cost is used to manage the project, I mean, I don't want to say, what is your question, Senator Giddens? You're asking for a breakdown of the \$875,000, \$872,000. Okay, the management costs, I have to get back with you

because on a monthly or quarterly basis, we utilize the management costs. Does anyone or anything related to the project to help us to assist the agency with that?

- 2:46:45 So I'll have to get back with you with an exact breakdown for that. thank thank you and that is fine if you need to get back with us and the reason for these questions is we're in the middle of the budget season and if we have 872 000 there specifically to be used for something i don't want during the budget process that i'm fighting for something for you that you could utilize this uh some of this 872 000 for that's why i'm asking specifically what is earmarked for or what have you uh spent any of it on thus far so i will await uh for you to send us if you have spent any of the 872 or what would it be earmarked for thank you thank you miss williams please elaborate because that's something that and and in light of what you've shared senator i think it's just critical for me to highlight that these administrative costs that are being provided for the project um they they're utilized right now on a reimbursement basis for the services a lot of the services that are provided by winter brand and also for any staffing that are hired but is also on a reimbursement basis so you're in relation to whether or not it impacts funding received to the bureau just please keep in mind that this is where the costs for the contractors this is where it comes out of so i just wanted to to provide you with that information for your your deliberate deliberation that is understandable we're gonna get the request um the breakdown of the cost who has been paid from it what company I get what you're saying, and we're going to put a request in to ODR and BOC, and then do you have a response about the mole, the testing for the mole? So I think, let me tie the question to disaster recovery. You have some mole remediation here for 4-26-07-9 not started. you identified a company for the mold remediation yet director yes yes we have and currently that's
- 2:49:07 going through the process adcon is the company that's supposed to be coming in um but the senator asked the question when was the last time that we had someone that come in and test them all and that was the information that i was trying to um retrieve to get back to the senator okay so you have you don't have that right now correct no ma'am i don't okay no problem so we'll we'll send and that request in as well to you for a response. Director Tessamaki may give you a closer remarks at this time.
- 2:49:42 Thank you, Madam Chair. Thank you, the committee. Thank you, the audience. I just want to say thank you all for the opportunity to come before you all to basically go over the different obligated items that we have. And as we continue to rebuild the facilities, the agency, we just continue to ask for your support and we thank each and every one of you all. Thank you.
- 2:50:13 Thank you, Director. Director Williams. Again, I too would like to just echo the appreciation to provide the updates. We are pushing the projects along. They're very tumultuous at times in order to move these projects forward. I think we have some good progress with the Swan Annex. It's going to be a big facility that will take time. The design phase for large projects are usually four to six months, and we expect to keep that project on track. And again, to keep up the pressure to get a decision on the Golden Grove Johnny Bell facility. So we pledge our support to do that. And again, I appreciate the efforts of this committee on supporting the recovery moving forward. So appreciate the opportunity. Thank you.
- 2:51:06 Thank you and thank you for your work as always. The recovery process is cumbersome. It can be convoluted. It becomes a little crazy between FEMA, HUD, everybody else, DOT, the pandemic. So we're just asking and begging and pleading for some movement. And of course, on the Senate side, we may have to take a trip to D.C. as what we, we did that after hurricanes Armand Maria. We had a united front in D.C.
- 2:51:40 We had the governor, we had his team, his cabinet members, members of the Senate. And we really, we just, you know, crashed Congress, it was like a blitz from room to room, office to office, to FEMA, to everybody else, so we may have to make a next trip because as we continue with these hearings, it is stressful to see that we are spinning wheels and of course some of it remains on the federal side. But thank you for the work that you do, Director Testamark. Thank you and your members of your staff for providing testimony to the attorney Vidal. Good morning.
- 2:52:20 And Director Actiely Williams, thank you as well. The committee stands in recess until 1.15 p.m. This committee stands in recess. Thank you. Thank you. Thank you. Thank you.

People named in this transcript

SUSPECTED, and a finding aid only. Names were matched by machine against the spellings used across all 426 of our transcripts, and the title is the one used in the room. Being named here is NOT evidence that a person attended or spoke · only that the name was said. Speech recognition mishears names, so a spelling may be wrong even where no alternative is offered.

- 10x **Senator Franklin D. Johnson**
heard in this transcript as: Johnson
- 8x **Senator Marvin Blyden**
heard in this transcript as: Blayden, Blyden, Marvin A. Blyden
- 5x **Senator Genevieve R. Whitaker**
heard in this transcript as: Genevieve Whitaker, Whitaker
- 5x **Senator Kenneth L. Gittens**
heard in this transcript as: Gettins, Giddens, Gittins
- 4x **Senator Carla Joseph**
the surname alone also matches: Clifford Joseph; Karla J. Joseph
heard in this transcript as: Joseph
- 4x **Senator Fred Gregory**
the surname alone also matches: Donna A. Frett-Gregory; Donna Frett-Gregory
- 4x **Senator Samuel Carrion**
heard in this transcript as: Carrion, Carrione, Samuel Carrione
- 3x **Senator Janelle K. Saro**
heard in this transcript as: Janelle K. Saru, Saru
- 2x **Governor Albert Bryan Jr**
- 2x **Senator Kurt VLA**
heard in this transcript as: VLA
- 2x **Senator Novelle Francis**
heard in this transcript as: Nobel Francis
- 2x **Commissioner Virgin Islands Department**