

**NOTICE OF PROPOSED ACTION
ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS OF THE
BOARD OF STATE AND COMMUNITY CORRECTIONS**

**LOCAL YOUTHFUL OFFENDER REHABILITATIVE FACILITY
CONSTRUCTION FINANCING PROGRAM
CALIFORNIA CODE OF REGULATIONS
TITLE 15, DIVISION 1, CHAPTER 1, SUBCHAPTER 7**

Pursuant to the authority granted by Welfare and Institutions Code 1975, the Board of State and Community Corrections (BSCC) hereby gives notice of the proposed regulatory action(s) described in this public notice. It is the intent of the BSCC to adopt, amend, and repeal (*Section 1857*) the regulations contained in Title 15, Division 1, Chapter 1, Subchapter 7, California Code of Regulations (known as the Local Youthful Offender Rehabilitative Facility Construction Financing Program), after considering all comments, objections, and recommendations regarding these regulations.

PUBLIC HEARING

BSCC has not scheduled a public hearing on this proposed action. However, the BSCC will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15-days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the BSCC. The written comment period closes at **5:00 pm on December 15, 2014**. The BSCC will consider only comments received at BSCC offices by that time. Submit comments to:

Ginger Wolfe, Associate Governmental Program Analyst
600 Bercut Drive
Sacramento CA 95811
(916) 445-5073
ginger.wolfe@bscc.ca.gov

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the BSCC may adopt the proposed regulations substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the BSCC adopts, amends, or repeals the regulation(s). The BSCC will accept written comments on the modified regulation text

during the 15-day period. Comments should be addressed to the above-noted staff member.

NOTE: To be personally notified of any modifications, you must submit a request or written/oral comments at the public hearing, if a hearing is held; submit comments to the office during the written public comment period; or specifically request to be notified of any modifications.

AUTHORITY AND REFERENCE

Pursuant to the authority granted by Welfare and Institutions Code, Section 1975, the BSCC proposes regulatory action to adopt, amend, and repeal the regulations contained in Title 15, Division 1, Chapter 1, Subchapter 7, California Code of Regulations (known as the Local Youthful Offender Rehabilitative Facility Construction Financing Program), after considering all comments, objections, and recommendations regarding these regulations.

The BSCC proposes to adopt Sections 1830.1, 1840.1, 1847.1, 1848.5, 1849.1, and, 1850.1; amend the Title 15, Division 1, Chapter 1, Subchapter 7 authorizing agency name, Subchapter 7 title, Sections 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1856, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, and, 1892; and repeal Section 1857 of Title 15 of the California Code of Regulations (CCR).

The following sections will be implemented, interpreted and/or made specific by this proposed rulemaking:

Authority: Sections 1975, Welfare and Institutions Code; and Section 6030, Penal Code.
Reference: Sections 1970-1978, Welfare and Institutions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws

Title 15 regulations discuss and define the requirements, responsibilities, and processes set forth in Sections 1970-1978 of the Welfare and Institutions Code for the Local Youthful Offender Rehabilitative Facility Construction Financing Program. The original RFP is now known as “Round One” and the newly released RFP is known as “Round Two”. In 2007 an Executive Steering Committee (ESC) made up of experts in the field of local juvenile corrections was established to interpret the Senate Bill 81 legislation and determine how the program could be applied to county needs. In 2014, with a remaining balance of un-awarded financing, the BSCC assembled a Round Two ESC to revisit the needs to counties and determined how they could be met by the program and memorialized in the CCR. While previous regulations speak to the program as a whole, they do not address the newly released Request for Proposals (RFP) aimed at awarding the remaining financing monies.

Section 6030 of the Penal Code requires that the BSCC establish minimum standards for local correctional facilities. These minimum standards include the review and approval of proposed facility construction documents and materials for compliance with existing safety and security regulations.

Summary of Existing Regulations

Existing standards that prescribe requirements for the Local Youthful Offender Rehabilitative Facility Construction Financing Program are promulgated by the BSCC. These regulations are contained in Title 15, Local Youthful Offender Rehabilitative Facility Construction Financing Program, Division 1, Chapters 1, Subchapter 7 of the CCR.

Evaluation of Consistency/Compatibility with Current Regulations

The Board has evaluated the proposed regulation changes and determined these are the only regulations dealing with the Local Youthful Offender Rehabilitative Facility Construction Financing Program. Therefore, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Summary of Effect

The proposed action would update Title 15, Division 1, Chapter 1, Subchapter 7 CCR adopting, amending, and repealing language to implement statute requiring the BSCC to award construction financing to acquire, design, and construct local youthful offender rehabilitative facilities. The proposed action provides for the statutory requirement found in Welfare and Institutions Code Sections 1970-1978 as it pertains to the financing of local youthful offender rehabilitative facilities. Counties across the state are facing crowding in existing and outdated custodial facilities. The proposed action will allow for the award of the remaining financing, totaling \$79.2 million, to relieve counties of the current and impending flux of youthful offenders.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to update regulations for the Local Youthful Offender Rehabilitative Facility Construction Financing Program in conformance with statutory changes.

Documents Incorporated By Reference

Senate Bill 81 Round Two, Local Youthful Offender Rehabilitative Facility Construction Funding Program Proposal Form, September 12, 2014

Senate Bill 81, Round Two Construction of Local Youthful Offender Rehabilitative Facilities, Fiscal Year 2014/2015, Request for Proposals, September 12, 2014

BENEFITS ANTICIPATED FROM THE PROPOSED REGULATION

The BSCC anticipates several benefits from the proposed regulation adoption and amendment, including: protection of public health and safety, worker safety, and the creation of jobs.

Once adopted these regulations will allow the BSCC to extend financing to conditionally awarded counties for the construction of local youthful offender rehabilitative facilities. Many counties in California are operating outdated, dilapidated, crowded facilities. With these regulations, awards can be made to improve the physical condition of those facilities, creating a safer environment for detained youth, workers, and the community. Senate Bill 81, Round Two, allows program/treatment space for alternatives to detention and a wide array of programs that will improve public health and safety. Counties proposing the construction of new facilities will create jobs within their communities.

Proposed changes to the text also include the allowance of regional projects (Senate Bill 365, Chapter 627, Statutes of 2013) permitting counties unable to compete on their own to propose shared facilities.

DISCLOSURE REGARDING THE PROPOSED ACTION

The BSCC has made the following initial determinations:

Mandate on local agencies and school districts: As required by Government Code Section 11346.9(a)(2), the BSCC has determined that there will be no mandates imposed on local agencies or school districts through the adoption of these Title 15 regulations as proposed. Local agencies participate in the Local Youthful Offender Rehabilitative Facility Construction Financing Program by request for proposal. Participation in these programs is on a voluntary basis only. No local agency or school district is required to participate.

Cost or savings to any state agency: There were no additional positions or staff time received for this program, costs will be absorbed by current budget. There will be a cost of debt service paid on lease revenue bonds, however, the BSCC does not anticipate any payments during the current or subsequent two fiscal years.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.

Other nondiscretionary costs or savings imposed on local agencies: None

Costs or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The BSCC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Adoption of these regulations will not:

- (1) Eliminate jobs within California.
- (2) Create new businesses or eliminate existing businesses within California.
- (3) Affect the expansion of businesses currently doing business within California.

Adoption of these regulations will:

- (1) Create jobs within California.
- (2) Affect the welfare of California residents, worker safety, and the state's environment.

The welfare of California residents and worker safety will be affected positively by construction and/or renovation of new and existing local youthful offender rehabilitative Facilities. A greater focus has been placed on programming space and making community and youth programs available in-facility and as an alternative to incarceration. In some instances participants of programs will receive support, educational services and necessary social skills to better assimilate back into the community. The state's environment will not be affected by the adoption of these regulations.

New and renovated facilities will offer more space, technology, and other much needed tools to create a safe environment for workers, youth, visitors, and the community.

Significant effect on housing costs: None.

Small Business Determination: The BSCC has determined that the proposed regulations will have no effect on small businesses. These proposed regulations affect the operations and programs for local youthful offender rehabilitative facilities.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the BSCC must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

The Rulemaking File, which includes all the information on which this proposal is based, is available for viewing at the BSCC's office at the above address and may also be accessed through the BSCC's website at <http://www.bscc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the BSCC makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the BSCC adopts the regulations as revised. The modified text may be accessed through the BSCC website at: at <http://www.bscc.ca.gov>. Those persons who do not have access to the Internet may submit a written request to Ginger Wolfe at the address below.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be accessed through the BSCC website at: at <http://www.bscc.ca.gov>. Those persons who do not have access to the Internet may submit a written request to Ginger Wolfe at the address below.

AVAILABILITY OF DOCUMENTS; INTERNET ACCESS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in ~~strikeout~~ and underline can be accessed through our website at: at <http://www.bscc.ca.gov>. Those persons who do not have access to the Internet may submit a written request to Ginger Wolfe at the address below.

CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS

Inquiries concerning the proposed action may be directed to:

Ginger Wolfe, Associate Governmental Program Analyst
600 Bercut Drive
Sacramento, CA 95814
Phone: (916) 341-7325
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If the above contact person is unavailable, please direct inquiries to:

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Facilities Standards and Operations Division
600 Bercut Drive

Sacramento, CA 95814
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