

**DATE:** September 14, 2017 **AGENDA ITEM:** G

**TO:** BSCC Chair and Members

**FROM:** John Prince, Deputy Director, [john.prince2@bscc.ca.gov](mailto:john.prince2@bscc.ca.gov)

**SUBJECT:** Senate Bill 844, Financing of Adult Local Criminal Justice Facilities Construction Financing Program, Promulgation of Regulations: **Requesting Approval**

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### Summary

On June 27, 2016, Senate Bill 844 (SB 844) (Statutes of 2016, Chapter 34) became law, authorizing state lease-revenue bond financing for the acquisition, design, and construction of adult local criminal justice facilities. The Board of State and Community Corrections (BSCC) staff worked with the SB 844 Executive Steering Committee (ESC) to make the necessary revisions to Title 15 of the California Code of Regulations to implement SB 844.

This agenda item requests approval of the draft revisions to the regulations (Attachment G-1) to conclude the rulemaking process with the Office of Administrative Law (OAL) and to request staff file a Certificate of Compliance to make permanent the regulations enacted during the time period the emergency regulations are in effect.

### Background

On June 27, 2016, SB 844, became law authorizing \$270 million in state lease-revenue bond financing for the acquisition, design and construction of adult local criminal justice facilities. Of the \$270 million, \$20 million was specifically set aside for the County of Napa to address the damage sustained to the Napa County Jail in 2014. (See Sen. Rules Com., Off. of Sen. Floor Analyses, unfinished business analysis of Sen. Bill No. 844 (2015-2016 Reg. Sess.) as amended June 12, 2016.)

SB 844 requires the BSCC to develop regulations that explain the requirements of the legislation, including BSCC's role in administering the \$270 million in construction financing. The SB 844 ESC made recommendations to amend Title 15 of the California Code of Regulations to implement SB 844.

In order to expedite the regulatory process, the BSCC submitted an emergency rulemaking filing with OAL to address the ongoing needs of county jails, as well as specifically to address the ongoing, emergency conditions in the Napa County jail caused by the 2014 earthquake.

At the request of the Department of Finance, a substantive edit to the emergency regulations regarding timing of signature of the Project Delivery and Construction Agreement were deemed necessary (§ 1748) along with other minor technical edits. Staff is seeking approval of the edited text to be submitted to OAL to complete the rulemaking process.

**Recommendation/Action Needed**

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1. The Board approve the draft regulations and direct staff to work to complete the adoption of final regulations.
2. The Board approve the filing of a Certificate of Compliance with the Office of Administrative Law subsequent to the emergency process, contingent on there being no further substantial edits.

**Attachments**

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G-1: Draft of Title 15, Division 1, Chapter 1, Subchapter 6, Construction Financing Program